

the establishment of a forest experiment station in California; J. P. Churchill, secretary Associated Chambers of Commerce of Siskiyou County, Calif., and Yreka Chamber of Commerce of Yreka, Calif., urging passage of Senate bill 4099, for the establishment of a forest experiment station in California; to the Committee on Agriculture.

3726. Also, petition of Western Lithograph Co., of Los Angeles, Calif., indorsing and urging the passage of House bill 9629, the reorganization bill; to the Committee on Reorganization of Executive Departments.

3727. Also, petition of J. F. W. Unfug, adjutant, General Custer Camp, No. 4, National Indian War Veterans, San Francisco, Calif.; J. F. W. Unfug, national commander National Indian War Veterans, San Francisco, Calif.; James Williams, Fort Bidwell, Calif.; C. G. Lowell, Fort Bidwell, Calif.; Richard Hesse, Fort Bidwell, Calif.; and Henry Kober, Fort Bidwell, Calif., all indorsing and urging the passage of House bill 11798 and Senate bill 3920, for the relief of Indian war veterans, widows, and orphan children; to the Committee on Pensions.

3728. Also, petition of National Better Films Conference, New York City, protesting against legal censorship of motion pictures; to the Committee on Interstate and Foreign Commerce.

3729. Also, petition of F. J. Solinsky and Caesar Bertheau, of San Francisco, Calif., indorsing and urging support of Senate bill 1548, for the relief of San Francisco insurance claimants against German insurance companies; to the Committee on Interstate and Foreign Commerce.

3730. Also, petition of California White and Sugar Pine Manufacturers Association, of San Francisco, Calif., protesting against passage of Gooding bill (S. 2327); to the Committee on Interstate and Foreign Commerce.

3731. Also, petition of the Curtis Corporation, of Long Beach, Calif., protesting against bill introduced by Senator JONES of Washington to amend section 4426 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

3732. Also, resolution passed by the California State Board of American War Mothers, Richmond, Calif., indorsing the universal service draft law as proposed by the American Legion; to the Committee on Military Affairs.

3733. Also, petition of Mr. L. A. Anderson, of San Francisco, indorsing and urging passage of the Shreve bill (H. R. 8352); to the Committee on the Civil Service.

3734. Also, resolutions passed by the Reserve Officers' Association of the United States, at Columbus, Ohio, giving legislative recommendations; to the Committee on World War Veterans' Legislation.

3735. By Mr. WATKINS: Petition of citizens of Portland and Astoria, Oreg., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3736. By Mr. WYANT: Protest of Pennsylvania Real Estate Association, comprised of 36 real estate boards and 2,500 real estate men, against the enactment of Senate bill 3764, known as the rent control bill; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, February 11, 1925

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

JOINT SESSION OF THE TWO HOUSES

Mr. CURTIS. Mr. President, I desire to submit a privileged motion.

I move that five minutes before 1 o'clock to-day the Senate proceed to the Hall of the House of Representatives, there to take part under the Constitution and laws in the count of the electoral votes for President and Vice President of the United States.

The motion was agreed to.

FINAL ASCERTAINMENT OF ELECTORS

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President of the United States from the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi,

Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, which, with the accompanying documents, were ordered to lie on the table.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of Commerce, transmitted pursuant to law, asking permission for the destruction of certain obsolete papers in the files of the department. The Chair appoints as a committee on the part of the Senate to consider the advisability of the disposition of these papers the Senator from Washington [Mr. JONES] and the Senator from Florida [Mr. FLETCHER]. The Secretary will notify the House of Representatives thereof.

PETITIONS AND MEMORIALS

Mr. FRAZIER presented the petition of Emma Bloomquist and 35 other citizens of Fargo, N. Dak., praying for the passage of House bill 663, to provide for a library information service in the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. JOHNSON of Minnesota presented the memorials of D. E. Ward and 52 other citizens of St. Paul; of George L. Budd and 62 other citizens of Alexandria; of Paul Bollman and 10 other citizens of Wendall; of J. I. Layman and 139 other citizens of Fulda, and of Mrs. Louis Hill and 119 other citizens of Minneapolis, all in the State of Minnesota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a memorial of sundry citizens of Auglaize County in the State of Ohio, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4148) to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes, reported it with amendments and submitted a report (No. 1070) thereon.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (S. 3109) for the relief of Frank H. Walker and Frank E. Smith, reported it with amendments and submitted a report (No. 1071) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, reported it with amendments and submitted a report (No. 1072) thereon.

Mr. CARAWAY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 6853) to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama, reported it without amendment and submitted a report (No. 1074) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 3927) granting public lands to the town of Silverton, Colo., for public park purposes (Rept. No. 1075); and

A bill (H. R. 9688) granting public lands to the city of Red Bluff, Calif., for a public park (Rept. No. 1076).

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7780) for the relief of Fred J. La May (Rept. No. 1077);

A bill (H. R. 8226) granting relief to the First State Savings Bank of Gladwin, Mich. (Rept. No. 1078); and

A bill (H. R. 8333) to restore homestead rights in certain cases (Rept. No. 1079).

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 2689) to consolidate certain lands within the Snoqualmie National Forest, reported it without amendment and submitted a report (No. 1080) thereon.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10590) authorizing the Secretary of the Interior to sell certain land to pro-

vide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians, reported it without amendment and submitted a report (No. 1081) thereon.

Mr. PITTMAN, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 166) authorizing the Secretary of the Interior to issue patent to the city of Redlands, Calif., for certain lands, and for other purposes, reported without amendment and submitted a report (No. 1082) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5612) to authorize the addition of certain lands to the Mount Hood National Forest (Rept. No. 1083);

A bill (H. R. 9495) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery (Rept. No. 1084);

A bill (H. R. 10411) granting desert-land entrymen an extension of time for making final proof (Rept. No. 1085); and

A bill (H. R. 11500) to amend an act entitled "An act to consolidate national forest lands" (Rept. No. 1086).

ENROLLED BILL PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 10, 1925, that committee presented to the President of the United States the enrolled bill (S. 555) for the relief of Blattmann & Co.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING (for Mr. ERNST):

A bill (S. 4277) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922; and

A bill (S. 4278) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

A bill (S. 4279) granting a pension to James H. Williams; to the Committee on Pensions.

A bill (S. 4280) for the relief of Joseph A. McCarthy; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 4281) granting an increase of pension to Ada M. Standish (with an accompanying paper); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4283) granting an increase of pension to Mary E. Spencer (with accompanying paper); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 4284) granting the consent of Congress to the Yell and Pope County Bridge District, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.; to the Committee on Commerce.

By Mr. BURSUM:

A bill (S. 4285) granting an increase of pension to Rowland H. Armstrong; to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 4286) to establish a Federal penitentiary within the State of Arizona; to the Committee on the Judiciary.

By Mr. RANDELL:

A joint resolution (S. J. Res. 184) authorizing the President to invite the States of the Union and foreign countries to participate in a permanent international trade exposition at New Orleans, La., to begin September 15, 1925; to the Committee on Foreign Relations.

AMENDMENT TO RIVERS AND HARBORS BILL

Mr. JONES of Washington (for Mr. EDGE) submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. KING submitted an amendment intended to be proposed by him to House bill 11505, the independent offices appropriation bill, which was ordered to be printed and to lie on the table, as follows:

After the end of line 19, page 29, as a new paragraph insert:

"No part of the sums appropriated in this act shall be available for or used to pay the hire of any member of the crew signed on the crew list and who is employed departing from a mainland port of the United States on any of the ships of the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, when such member of the crew of such ship is ineligible to citizenship under the laws of the United States."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills of the Senate without amendment:

S. 660. An act for the relief of the Ogden Chamber of Commerce;

S. 785. An act for the relief of the Eastern Transportation Co.;

S. 833. An act for the relief of Emma LaMee;

S. 1038. An act for the relief of the Brooklyn Eastern District Terminal;

S. 1180. An act for the relief of J. B. Platt;

S. 1599. An act for the relief of the Export Oil Corporation;

S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33;

S. 1893. An act to refund certain duties paid by the Nash Motors Co.;

S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.;

S. 1937. An act for the relief of the Staples Transportation Co., of Fall River, Mass.;

S. 2079. An act for the relief of the owner of the American steam tug *O'Brien Brothers*;

S. 2130. An act for the relief of the owner of the ferryboat *New York*;

S. 2139. An act for the relief of the estate of Walter A. Rich, deceased;

S. 2254. An act for the relief of the Beaufort County Lumber Co. of North Carolina;

S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.);

S. 2458. An act to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*;

S. 2860. An act for the relief of the Canada Steamship Lines (Ltd.);

S. 3170. An act for the relief of Edgar William Miller;

S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew; and

S. 4056. An act to provide for an additional district judge for the western district of Michigan.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 78. An act for the relief of the owners of the barge *Anode*;

S. 82. An act for the relief of the owners of the steamship *Comanche*;

S. 84. An act for the relief of the owners of the steamship *Ceylon Maru*;

S. 1039. An act for the relief of the owners of the scow *W. T. C. No. 35*;

S. 1040. An act for the relief of the owners of the New York Sanitary Utilization Co. scow *No. 14*; and

S. 3310. An act for the relief of the owners of the barkentine *Monterey*.

The message further announced that the House had passed the bill (S. 1370) authorizing the granting of war-risk insurance to Capt. Earl L. Naiden, Air Service, United States Army, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr.

SNYDER, Mr. DALLINGER, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 1446. An act for the relief of Charles W. Gibson, alias Charles J. McGibb;

H. R. 1948. An act for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased;

H. R. 2416. An act for the relief of F. Joseph Chatterton;

H. R. 2739. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap;

H. R. 2905. An act to authorize an exchange of lands with Ed. Johnson, of Eagle, Colo.;

H. R. 4913. An act to pay Jere Austill fees earned as United States commissioner;

H. R. 4927. An act for the relief of Thomas Vincent Corey;

H. R. 5236. An act for the relief of Mrs. M. J. Adams;

H. R. 5637. An act for the relief of Edward R. Wilson, lieutenant commander Supply Corps, United States Navy;

H. R. 5660. An act for the relief of Charles Spencer;

H. R. 5786. An act for the relief of Roberta H. Leigh and Laura H. Pettit;

H. R. 6044. An act authorizing the Secretary of the Interior to sell and patent certain lands to Lizzie M. Nickey, a resident of De Soto Parish, La.;

H. R. 6045. An act authorizing the Secretary of the Interior to sell and patent certain lands to Flora Horton, a resident of De Soto Parish, La.;

H. R. 6230. An act for the relief of Owen J. Owen;

H. R. 8294. An act for the relief of Edward B. Sappington;

H. R. 9112. An act for the relief of Commander Charles James Anderson, United States Naval Reserve Force;

H. R. 9228. An act for the relief of Charles Ritzel;

H. R. 9846. An act for the relief of Francis Kelly;

H. R. 10670. An act for the relief of Frederick S. Easter;

H. R. 11206. An act for the relief of John T. O'Neill;

H. R. 11444. An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes;

H. R. 11796. An act to provide for the deportation of certain aliens, and for other purposes; and

H. R. 12000. An act to amend the agricultural credits act of 1923, approved March 4, 1923.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following entitled enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3722. An act to authorize the State of Indiana and the State of Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.;

H. R. 64. An act to amend section 101 of the Judicial Code as amended; and

H. R. 8550. An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes, the pending question being on the amendment by Mr. McKELLAR, on page 32, line 19, to strike out "\$1,000,000" and insert "\$500,000," so as to make the appropriation for investigation and prosecution of war frauds \$500,000.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll. The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Cameron	Dial	Glass
Bayard	Capper	Dill	Greene
Bingham	Caraway	Edwards	Hale
Borah	Copeland	Fernald	Harrell
Brookhart	Couzens	Fess	Harris
Broussard	Cummings	Fletcher	Heflin
Burke	Curtis	Frazier	Howell
Bursum	Dale	George	Johnson, Calif.

Johnson, Minn.
Jones, N. Mex.
Jones, Wash.
Kendrick
Keyes
King
Ladd
Lenroot
McKellar
McKinley
McLean
McNary

Mayfield
Means
Metcalf
Moses
Neely
Norbeck
Oddie
Overman
Owen
Pepper
Phipps
Pittman

Reed, Mo.
Reed, Pa.
Robinson
Sheppard
Shipstead
Shortridge
Simmons
Smith
Smoot
Spencer
Stanfield
Stanley

Sterling
Swanson
Trammell
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson
Weller
Wheeler
Willis

Mr. WALSH of Massachusetts. I wish to announce that the senior Senator from Rhode Island [Mr. GERRY] is detained from the Senate by illness.

The PRESIDENT pro tempore. Eighty Senators have answered to the roll call. There is a quorum present. The question is upon the amendment proposed by the Senator from Tennessee [Mr. McKELLAR].

Mr. HEFLIN. Mr. President, I am heartily in accord with the efforts of the Senator from Tennessee [Mr. McKELLAR] to get this amount cut in half. In fact, I would vote to strike it all out. I think that ought to be done.

I find in the register of the Department of Justice and the courts of the United States that we have 88 district attorneys, 243 assistant district attorneys, and 331 district attorneys with assistants. We have district judges all over the country. We have these district attorneys all over the country with their assistants. Why should the Government have to employ special counsel to look after cases in those districts? That is where the cases are. If they are in the District of Columbia the district attorney here with his assistants and with the aid of the Department of Justice here he ought to be able to look after them. Why not have the Attorney General instruct the district attorneys throughout the country to proceed with the investigation of these cases? If causes of action in any of those cases arise in my State, why not write to the district attorneys in my State and tell them the situation and have them to make the investigation necessary and proceed with suit if necessary? Why should the Congress appropriate a million dollars to do this work that district attorneys and assistant district attorneys can now do and who are being paid by the Government to look after all cases in which the Government is interested in their respective districts.

That is about all I have to say. I am going to vote for the amendment of the Senator from Tennessee. I had rather vote to strike out the whole amount and leave it to the Department of Justice to proceed with these cases through the district attorneys and assistant district attorneys in the various States of the Union. We talk about economizing and we see a great deal to-day in the papers about it, but here we find a bureau of lawyers in Washington writing to 2,000 lawyers over the country trying to get more lawyers to come and join them in doing work that the district attorneys and assistant district attorneys are paid to do, could do, and should do.

Mr. SMITH. Mr. President, I would like to have the attention of the Senator from Washington [Mr. JONES]. This seems to be a matter of such importance that I did not feel justified in basing my vote entirely upon the report of the committee. In order that I might have a little further knowledge of it I made some investigation on my own part. My time was limited, but I want to state to the Senator the point I am making so that he may give an explanation, if any is needed.

I found in my investigation outside of the record that from the installation of the war-fraud section up until July 1, 1924, there had been appropriated and expended something like \$1,750,000 and there had been recovered \$9,000,000. That is the information I had this morning. From July 1, 1924, up to date there had only been recovered about \$170,000, \$100,000 of which was in accordance with a judgment obtained before July 1, 1924. My investigation revealed the fact or gave me the impression that on July 1 last a new system was inaugurated, a new policy adopted, perhaps a change of personnel; the different sections under the bureau were reorganized and different heads were put in charge and a rather rigid red tape arrangement was inaugurated. As a result seemingly they have only had \$70,000 to their credit and not \$170,000, if my information is correct, for more than six months' work, while for the preceding three years we had collected \$9,000,000, an average of over \$3,000,000 a year upon an expenditure of \$1,750,000 for the three years. That would seem to justify the expenditure of that amount of money because we were receiving something like seven and one-half times the return for the money expended, but it is significant that from the 1st of July, 1924, up to the present time in February, 1925, there has only been collected \$70,000.

My investigation—and it has been very superficial and on the surface—seemed to indicate that the present method of investigating these matters and arriving at legal conclusions is out of all proportion in effectiveness as compared with the preceding system of conducting this business. The committee, I presume, is cognizant of whatever changes have taken place; it certainly must be cognizant of the tremendous falling off in results; and I am inclined to believe that that falling off has been occasioned by this unfortunate and unwise reorganization and change of policy and injection of men into important positions who do not have the experience to carry on the work. I should like to know if that is in accord with any substantial facts.

Mr. JONES of Washington. Mr. President, this is what was called to the attention of the committee and what appeared to the committee, and, I think, it also appeared to the House committee: While there probably were more collections in the two or three years preceding—and naturally the easiest cases have been brought to a conclusion, that is a natural result—the testimony before the committee showed that under the system prior to the 1st of July there seemed to be no coordination of effort; there were different branches working along, as they expressed it, in parallel lines on the same investigation. For instance, here would be one branch of the force working along a certain line, under a certain head, and here would be another branch of the force working on the same case without any coordination or without any knowledge that somebody else was working on the same thing. The only change that has been brought about—

Mr. SMITH. Before the Senator leaves that point, did he verify that as being the situation?

Mr. JONES of Washington. We verified it as well as we could from the testimony of the officials who represented the department.

Mr. SMITH. Was there any actual investigation of the actual conditions to ascertain whether or not there was a duplication of work?

Mr. JONES of Washington. Yes; I think I can safely say that the House committee went into that matter quite fully.

Mr. SMITH. The reason I have asked the question is that the information which I have received is almost diametrically opposed to that statement.

Mr. JONES of Washington. The committee learned that the reorganization, beginning on July 1, was made for the purpose of coordinating these different efforts and bringing them together, so that there would not be the duplication of work, the duplication of investigation, and all that sort of thing. The committee received very definite information to that effect, and we had no suggestion to the contrary. There was no suggestion on the part of anybody that the present organization was not more effective in coordinating the effort of the force than before; and the statement of the Senator from South Carolina is the first suggestion I have had of anything of that sort. The testimony which we obtained and the testimony before the House committee is just to the contrary of that.

Mr. SMITH. My information was that they divided the work up in accordance with the subject to be investigated—airplanes, cantonments, or whatever the character of the cases where fraud was alleged to have been perpetrated, and each division had its particular work. Then, when the investigation was completed, and the evidence was all in, and a conclusion was reached, the syllabus of the case was laid upon the desk of the chief, who had his assistant who went over the case and it was then O. K'd.

Since the reorganization, however, there is no independent action upon the part of these different sections, according to my impression, but each has to make out a memorandum of the result of its work and send it to another department, which is totally unfamiliar with the details of the work which has previously been done.

Mr. JONES of Washington. The Senator from South Carolina says "department." Does he use that word in the technical sense?

Mr. SMITH. I mean division.

Mr. JONES of Washington. That is what I thought.

Mr. SMITH. The division investigates certain facts, and in place of proceeding to a point where the case is ready for court action, before the investigating official can go into court he has to submit his finding to the division that is above him; that division has got then to investigate and go through a case with which it is totally unfamiliar. So the delays which are occasioned by the rigidity of the present system have simply stopped the work. That is the impression which I have obtained.

Mr. JONES of Washington. I do not think that is the situation, except that, of course, there must be some one at the head of the work; there must be somebody who is responsible for the beginning of a suit.

Mr. SMITH. But that was true also under the old method of procedure.

Mr. JONES of Washington. No. There was supposed to be such responsibility under the old system, but, as I understand, there were about five coordinate branches, each one headed by a man drawing, I think, a salary of from \$10,000 to \$12,000 per annum. They, of course, were all subject to the Attorney General; that is true; but there were what might be called five coordinate branches engaged in these investigations, headed by these men, and, according to the testimony, it was found that as a result of that system the class of cases referred to them was not clearly defined. The testimony showed—and I only know the situation as disclosed by the testimony—that while one branch was working along a certain line another branch would be working along the same line, without any cooperation between them, and the one apparently not knowing that the other was so engaged. So it seemed to be advisable to reorganize this service. A new Attorney General came in. He could not look into these cases, of course, as the Senator knows, and so he put the work in charge of two men, and everything was to be centered in them. They were to see to it that there was no duplication of work; they were to coordinate the work of the different branches; and that is what they are trying to do.

Mr. SMITH. My information is to the effect that the supervision does not go to the elimination of duplication, but a system of inspectors, as it were, has been provided, so that when the organization charged with investigating a certain fact has investigated it and are ready to write out the case and to prepare all that is necessary for its presentation in court it has got to submit its findings without a conclusion—just its findings—to one above them. He then goes through it, and then finally the case goes through another process of investigation, until the work has slowed down and it has become practically impossible to secure quick, efficient results.

Mr. McKELLAR. Mr. President, will the Senator yield right there?

Mr. SMITH. I yield.

Mr. McKELLAR. In answer to what the Senator from Washington has just said, let me suggest that it is true, as the Senator from Washington has pointed out and as I pointed out yesterday, that under the system in operation until last July, according to the testimony, there were four of what they called "water-tight compartments," all going along and duplicating work. These two young gentlemen said that they had been appointed to become the heads and see that that was not done. But I call attention to the fact that under the plan that they say was wrong very much more money was collected for the Government.

Mr. SMITH. That is the point I am making.

Mr. McKELLAR. And better results were obtained for the Government than are being now obtained.

Mr. JONES of Washington. No; Mr. President, let me suggest to the Senator, as I intimated a moment ago, that—and I think it is within the Senator's own experience—the easier cases, or those as to which it most certainly appears that they have a case against a firm or individual, there is more likelihood of that case being settled than a case involving a great deal of doubt. So it was that in the first instance the easiest cases, of course, no doubt were settled, but there are about \$70,000,000 involved in cases that are now in the courts.

Mr. SMITH. I admit the force of what the Senator says, that necessarily the more obvious and easily adjudicated cases will be handled in the beginning; but remember that right along up to July 1 the average per month seems to have been about the same, with a slight diminution in the amount returnable, but after the reorganization and the change of policy and plan the work seemed to stop short, so that in six months only \$70,000 has been collected.

Mr. JONES of Washington. Let me suggest to the Senator that, according to the testimony, there is one compromise proposed involving, I think, \$2,750,000. That is included in the \$9,300,000 that the record shows has been collected or settled, or is in reasonable course of settlement; but it has not been settled as yet. The parties interested apparently have to form a corporation in order that the matter may be adjusted.

Mr. SMITH. But that case is reasonably settled.

Mr. JONES of Washington. It is reasonably settled, but it has to be looked after and has to be adjusted. That is the sit-

uation. As I said yesterday, I myself think that this matter has got to be looked at as a whole.

Mr. SMITH. No, Mr. President.

Mr. JONES of Washington. Let me make this suggestion to the Senator. The division charged with this work may go on for six months and may collect nothing, but in the next week they may reach adjustments amounting to one million, two million, or three million dollars, as the result of the various investigations that are going on and the ascertainment of what proof they will have to sustain the charge of fraud. The Senator appreciates that before these officials can go to a man to suggest a compromise they have got to have the facts pretty well at their fingers' end to show him what they have, to let him know what he must expect; and that is what is being done. I can see how they may proceed for several months without making any compromise or adjustment or settlement, and then possibly in the next month they may show very substantial results.

Mr. SMITH. Mr. President, the Senator from Washington and all other Senators appreciate the responsibility that is upon us in voting this amount of money to a certain division of our Government for a specific purpose. Therefore, I was loath to have anything to say, because the committees are appointed for the purpose of specifically investigating work done and the manner in which it is being done and then to recommend to us, their colleagues, the advisability of voting for or against appropriations for such purpose. Now I ask the Senator if, as chairman of the subcommittee, he believes that the present system inaugurated last July is of such a character as to warrant him in recommending that we turn over a million dollars to this organization with which to prosecute this work upon the assurance, so far as he is concerned, or the belief that the reorganization has proved efficient, that the present organization is a proper one, that it is one that we can entrust to carry out the purposes of Congress, and to bring results equivalent to those that were obtained under the old system? If the Senator can assure us that it is an efficient, capable, proper system, I shall have no more to say; but I have grave suspicions now that the present system is efficient—not only the system of trying to reach the conclusions, but the people they are getting in for the purpose of reaching these conclusions. Just from my observation, I do not like the looks of it.

Mr. JONES of Washington. Mr. President, let me say to the Senator that our committee did not seek to duplicate the testimony and investigations of the House committee. That, I think, is the general policy of the Appropriations Committee of the Senate—to cover the ground covered by the House committee as little as possible—because we appreciate that we can not take the time to go into matters so much in detail as the other body; and we think, also, that we should place considerable confidence and reliance in the result of the investigations of the other body.

Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield the floor.

Mr. HEFLIN. I desire to ask the Senator from Washington a question.

Mr. JONES of Washington. I am seeking to answer the question of the Senator from South Carolina.

Mr. HEFLIN. The Senator heard me state here that we have 342 district attorneys and assistants. These cases arise in somebody's district. Why not let the Attorney General send a list of cases to each district attorney and instruct him to proceed to collect the money or to bring suit or to do whatever is necessary to be done, and save this million dollars? What objection has the Senator to that?

Mr. JONES of Washington. Mr. President—

Mr. KING. Mr. President, before the Senator answers that, may I call his attention to what the Attorney General said?

Mr. JONES of Washington. Yes.

Mr. KING. The Attorney General, at an early stage in these cases, said:

Cases of outstanding importance are being studied and prepared for suit in the department, and to the extent that the funds placed at my disposal will permit, will be prosecuted by skilled special counsel.

He wanted only \$500,000 for the purpose. Then he said:

The remainder—

That is, all the remainder; he needed only \$500,000 for it all.

The remainder have been referred to the United States attorneys in the districts in which the debtors are located for appropriate action. Included among these are many cases involving large sums of money and complicated statements of fact.

He went on to state that the district attorneys—that is, it was an implied statement—are competent to handle those cases, and they were referred to them, as they ought to have been referred to them, because in the appropriation bill for that year and each succeeding year we gave millions and hundreds of thousands of dollars to the assistant district attorneys and to the attorneys of the respective districts for caring for the business of the Government.

Mr. JONES of Washington. Mr. President, I have an idea that neither the Senator from Utah nor the Senator from Alabama has a very high opinion of the capacity of the Attorney General who made that recommendation.

Mr. KING. I will say to the Senator, so he may not be laboring under a false impression, that I do not have a very high opinion of Mr. Daugherty as Attorney General. Upon the contrary, I think he was a very poor Attorney General, a poor administrator, and that the record in his office was not very satisfactory to the American people.

Mr. JONES of Washington. I say, I was not laboring under a wrong impression, then.

Mr. KING. No.

Mr. JONES of Washington. That is exactly what I said; and I am not going to enter into that matter. I am not going to enter into the recommendations of that Attorney General. He made that recommendation to Congress, and on that recommendation Congress acted. Since that time, however, Congress has gone on and appropriated not only the \$500,000 that was recommended, but \$1,200,000 additional, and we have promoted this organization, and it is here; and, of course, it is for the Congress to say whether we are going to drop the matter entirely or whether we are going to go on and try to collect what we claim the Government has been defrauded of by means of fraudulent practices.

We have appropriated these sums of money, and we have collected what has been already called to the attention of the Senate. They tell us now that there is \$70,000,000 involved in suits that are now pending. There are further investigations being made. I need not recount to the Senators here the difficulties that exist in establishing fraud, especially in cases like these, growing out of the war. Many of these claims are based upon the claim of the Government that they have actually paid to these people more than they were entitled to, and we are trying to recover back overpayments, and so forth. We know that that is difficult, even as between private parties, and it is still more difficult upon the part of the Government against those with whom it is dealing.

Coming now to the question asked by the Senator from South Carolina, I believe, from the statements given to the committee and from my impression of the men who came before us, that they are getting and that they have a much more effective organization than they had prior to the 1st of July, assuming that the statements as to the character of that organization are true. Of course, the committee has not gone into a detailed investigation to find out just the details of the organization; but these representatives of the Department of Justice, two men, came to us. They impressed all of us, I think, with their ability and their energy and their desire to do effective work for the Government; and from that I feel that I can say to the Senate frankly that my opinion is that if we are to carry this on we have a better organization now than we had before, and that we have two good men directly under the Attorney General, who, of course, are supposed to advise him, who are capable and earnest and will give us efficient service.

I think that answers in a general way the question of the Senator. Of course, I may be mistaken; but I think that was the judgment of the committee upon the testimony that we heard.

With reference to the suggestion that these cases should be referred to the different United States attorneys throughout the country, I think if they were to undertake that it would require the allowance of a great deal of additional help for them. Furthermore, I think these cases, if they are to be prosecuted, are of such a character and of such difficulty that the best results would really be accomplished by these people. Of course, these people do work in conjunction with the United States attorneys in the different localities. I know that in the hearings we had in the investigation that we were carrying on we had brought up here the United States district attorney from Tennessee, and he detailed how he was conferred with, and so on. There may have been some disagreement between him and the other people as to the policy that should be pursued, but it does show that they do confer with and have the cooperation and assistance of the United States district attorneys in different parts of the country.

Mr. McKELLAR. Mr. President, if the Senator will yield, no suits can be brought except through the various district attorneys of the United States. The matter has to go through their offices finally, anyway.

Mr. JONES of Washington. To be sure. That shows that they bring in the United States district attorneys, then.

Mr. McKELLAR. They ought to do the work.

Mr. JONES of Washington. Perhaps they ought to; but they are all burdened with the local work, every one of them. I suppose that almost all of them are calling for additional help to carry on the ordinary business of their offices.

Mr. REED of Missouri. Mr. President, I know enough about litigation to know that, generally speaking, a lawsuit which can not be brought to trial in five years is not much of a lawsuit. The war has been over for some time, and we have been paying out immense sums of money, and we have been getting very meager results.

I also know that the work ought to become lessened as time goes on, but we are called on for larger appropriations each year. I think I also know that when it is proposed to have a special force of 105 or 110 lawyers to handle some 700 cases the proposition on its face is an absurdity.

I should like to know what lawyer in general practice has only seven cases on his docket at a time, with the whole year in which to handle them, and other years in which to complete them. Looking at this question in the broad way, it appears to me that we are simply creating a lot of jobs for a lot of gentlemen who are out of jobs.

I say that it is an absurdity to talk about hiring 105 or 110 lawyers to handle 700 cases. That is emphasized by the fact, as said by the Senator from Alabama [Mr. HEFLIN], that we already have some 331 district attorneys and assistants. In addition to that, we have a Secret Service that is under the command of the Department of Justice, which has as a part of its membership skilled accountants; and the number of members of that Secret Service I am not permitted to state, but it runs into the hundreds.

Mr. McKELLAR. We also have a system of accountants in the War Department at work on this very matter.

Mr. REED of Missouri. And we have accountants in the War Department, and we have other machinery of the Government at hand.

What we do here constantly is to multiply machinery. We have at least one fifth wheel on every wagon, and sometimes we have a dozen wagons where we need one.

We build up a machine so big that there is not enough steam in the entire Government to start it in motion. There is no mystery about this business. They are simply some plain lawsuits in which fraud is charged, and in which, of course, the Government, by examining the records, must be prepared to prove that fraud. If they have not that evidence at the end of four years' time, it is pretty safe to say they never will get very much.

I am in favor of generosity in the matter of appropriating money to run down any man who has committed a fraud on this Government, but I say that a half million dollars is an extravagant sum to allow, and, as far as I am concerned, I want to see this business brought to a termination.

Just one further word. What kind of lawyers have they? I do not want to indulge in any wholesale criticism, but a lawyer who will leave his home and come down to Washington for \$3,000 a year or \$4,000 a year is no lawyer at home or in Washington. I happen to know one of these gentlemen, who came from my city. He never had any practice there and he never had any character there, but he is strutting around Washington engaged in handling some big matters.

I am for cutting this appropriation, and cutting it very thoroughly.

COUNT OF THE ELECTORAL VOTE

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Dial	Harris	McNary
Bayard	Dill	Hefflin	Mayfield
Bingham	Edwards	Howell	Means
Borah	Fernald	Johnson, Minn.	Metcalf
Brookhart	Ferris	Jones, N. Mex.	Moses
Bruce	Fess	Jones, Wash.	Neely
Bursum	Fletcher	Kendrick	Norbeck
Cameron	Frazier	Keyes	Oddie
Capper	George	King	Overman
Copeland	Glass	Ladd	Pepper
Cousens	Gooding	Lenroot	Phipps
Cummins	Greene	McKellar	Pittman
Curtis	Hale	McKinley	Ransdell
Dale	Harreld	McLean	Reed, Mo.

Reed, Pa.
Robinson
Sheppard
Shipstead
Shortridge
Simmons

Smith
Smoot
Spencer
Stanfield
Stanley
Sterling

Swanson
Trammell
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.

Warren
Watson
Weller
Wheeler
Willis

The PRESIDENT pro tempore. Seventy-nine Senators have answered to their names. There is a quorum present.

Senators, pursuant to law, and under the order of the Senate, the Senate will now proceed to the Hall of the House of Representatives for the purpose of counting the electoral vote for President and Vice President of the United States. At the conclusion of the joint session the Senate will return to its Chamber, whereupon the report of the tellers will be made to the Senate, and the Senate will then resume its regular business. It should be understood that this is not an adjournment.

Thereupon (at 12 o'clock and 55 minutes p. m.) the Senate, preceded by the President pro tempore, the Secretary, and the Sergeant at Arms, proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral vote for President and Vice President of the United States.

The Senate returned to its Chamber at 1 o'clock and 45 minutes p. m., and the President pro tempore resumed the chair.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Bayard
Bingham
Brookhart
Broussard
Bursum
Cameron
Capper
Caraway
Copeland
Cousens
Cummins
Curtis
Dale
Dill
Edwards
Ferris

Fletcher
Frazier
George
Glass
Greene
Hale
Harreld
Harris
Hefflin
Howell
Johnson, Calif.
Johnson, Minn.
Jones, N. Mex.
Jones, Wash.
Kendrick
King
Ladd

Lenroot
McKellar
McKinley
McNary
Mayfield
Means
Metcalf
Moses
Neely
Oddie
Overman
Pepper
Phipps
Pittman
Ransdell
Reed, Mo.
Reed, Pa.

Robinson
Sheppard
Shipstead
Shortridge
Simmons
Smith
Smoot
Spencer
Stanfield
Sterling
Swanson
Trammell
Wadsworth
Walsh, Mont.
Warren
Watson
Willis

The PRESIDENT pro tempore. Sixty-eight Senators have answered to the roll call. There is a quorum present.

Mr. SPENCER. Mr. President, the tellers who were appointed on behalf of the Senate pursuant to the provisions of law, and in accordance with the concurrent resolution of the two Houses, to ascertain the result of the election for President and Vice President, performed that duty in the joint session of the two Houses and present the following report.

The PRESIDENT pro tempore. The certificate of the ascertainment and counting of the electoral vote for President and Vice President of the United States submitted by the tellers will be entered at large upon the Journal of the Senate. The report of the tellers will also be entered at large upon the Journal and printed in the RECORD.

The undersigned, SELDEN P. SPENCER and WILLIAM H. KING, tellers on the part of the Senate, and HAYS B. WHITE and LAMAR JEFFERS, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1925:

Electoral votes of each State	States	For President			For Vice President		
		Calvin Coolidge, of Massachusetts	John W. Davis, of West Virginia	Robert M. La Follette, of Wisconsin	Charles G. Dawes, of Illinois	Charles W. Bryan, of Nebraska	Burton K. Wheeler, of Montana
12	Alabama		12			12	
3	Arizona	3			3		
9	Arkansas		9			9	
13	California	13			13		
6	Colorado	6			6		
7	Connecticut	7			7		
3	Delaware	3			3		
6	Florida		6			6	
4	Georgia		14			14	
4	Idaho	4			4		
29	Illinois	29			29		
15	Indiana	15			15		
13	Iowa	13			13		

Electoral votes of each State	States	For President			For Vice President		
		Calvin Coolidge, of Massachusetts	John W. Davis, of West Virginia	Robert M. La Follette, of Wisconsin	Charles G. Dawes, of Illinois	Charles W. Bryan, of Nebraska	Burton K. Wheeler, of Montana
10	Kansas	10			10		
13	Kentucky	13			13		
10	Louisiana		10			10	
6	Maine	6			6		
8	Maryland	8			8		
18	Massachusetts	18			18		
15	Michigan	15			15		
12	Minnesota	12			12		
10	Mississippi		10			10	
18	Missouri	18			18		
4	Montana	4			4		
8	Nebraska	8			8		
3	Nevada	3			3		
4	New Hampshire	4			4		
14	New Jersey	14			14		
3	New Mexico	3			3		
45	New York	45			45		
12	North Carolina		12			12	
5	North Dakota	5			5		
24	Ohio	24			24		
10	Oklahoma		10			10	
5	Oregon	5			5		
38	Pennsylvania	38			38		
5	Rhode Island	5			5		
9	South Carolina		9			9	
5	South Dakota	5			5		
12	Tennessee		12			12	
20	Texas		20			20	
4	Utah	4			4		
4	Vermont	4			4		
12	Virginia		12			12	
7	Washington	7			7		
8	West Virginia	8			8		
13	Wisconsin			13			13
3	Wyoming	3			3		
531		382	136	13	382	136	13

Selden P. Spencer,
William H. King,
Tellers on the part of the Senate.

Hays B. White,
Lamar Jeffers,

Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Calvin Coolidge, of the State of Massachusetts, has received for President of the United States 382 votes;

John W. Davis, of the State of West Virginia, has received 136 votes; Robert M. La Follette, of the State of Wisconsin, has received 13 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Charles G. Dawes, of the State of Illinois, has received for Vice President of the United States 382 votes;

Charles W. Bryan, of the State of Nebraska, has received 136 votes; Burton K. Wheeler, of the State of Montana, has received 13 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1925, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

LIABILITY OF CERTAIN MARINE EMPLOYEES

Mr. PEPPER. Mr. President, out of order I desire to introduce the following bill and ask its reference to the appropriate committee, stating in connection therewith that the bill is designed to remedy a defect in the existing law relating to employers' liability. While I realize that no action can be taken upon it at this session, the measure is now introduced in the hope of directing public attention to it, that the Senate may have the benefit of general criticism and suggestions before the measure shall come up for action.

The bill (S. 4282) relating to the liability of certain marine employers was read twice by its title.

The PRESIDENT pro tempore. To what committee does the Senator desire to have the bill referred?

Mr. PEPPER. I should think it should be referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Interstate Commerce.

Mr. KING. May I ask if the bill of which this is amendatory was not reported by the Judiciary Committee?

Mr. PEPPER. If that shall turn out to be the case—and I am not advised about it—I should ask that the bill be referred to the Judiciary Committee. I have no preference in the matter.

Mr. FLETCHER. I think it ought to be referred to the Judiciary Committee.

Mr. PEPPER. I made the suggestion respecting the reference of the bill without a particular preference as to the committee to which it should go. I will be glad to have it referred to the Judiciary Committee, if the Chair will so refer it.

The PRESIDING OFFICER (Mr. Moses in the chair). Without objection, the bill will be referred to the Committee on the Judiciary.

PACIFIC COMMISSARY CO.

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2357) for the relief of the Pacific Commissary Co., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,841.73 out of any money in the Treasury not otherwise appropriated," and the House agree to the same.

ARTHUR CAPPER,
ROBERT N. STANFIELD,
THOMAS F. BAYARD,
Managers on the part of the Senate.
JAMES G. STRONG,
ARTHUR B. WILLIAMS,
CHARLES F. X. O'BRIEN,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12000. An act to amend the agricultural credits act of 1923, approved March 4, 1923; to the Committee on Banking and Currency.

H. R. 11444. An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 11796. An act to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration.

H. R. 1948. An act for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased;

H. R. 2905. An act to authorize an exchange of lands with Ed Johnson, of Eagle, Colo.;

H. R. 5786. An act for the relief of Roberta H. Leigh and Laura H. Pettit;

H. R. 6044. An act authorizing the Secretary of the Interior to sell and patent certain lands to Lizzie M. Nickey, a resident of De Soto Parish, La.; and

H. R. 6045. An act authorizing the Secretary of the Interior to sell and patent certain lands to Flora Horton, a resident of De Soto Parish, La.; to the Committee on Public Lands and Surveys.

H. R. 4927. An act for the relief of Thomas Vincent Corey;

H. R. 5637. An act for the relief of Edward R. Wilson, lieutenant commander Supply Corps, United States Navy; and

H. R. 9112. An act for the relief of Commander Charles James Anderson, United States Naval Reserve Force; to the Committee on Naval Affairs.

H. R. 2416. An act for the relief of F. Joseph Chatterton;

H. R. 4913. An act to pay Jere Austill fees earned as United States commissioner;

H. R. 5236. An act for the relief of Mrs. M. J. Adams;
 H. R. 5660. An act for the relief of Charles Spencer;
 H. R. 8294. An act for the relief of Edward B. Sappington;
 and
 H. R. 9228. An act for the relief of Charles Ritzel; to the Committee on Claims.
 H. R. 1446. An act for the relief of Charles W. Gibson, alias Charles J. McGibb;
 H. R. 2739. An act to remove the charge of desertion from the records of the War Department standing against William J. Duclap;
 H. R. 6230. An act for the relief of Owen J. Owen;
 H. R. 9846. An act for the relief of Francis Kelly;
 H. R. 10670. An act for the relief of Frederick S. Easter;
 and
 H. R. 11206. An act for the relief of John T. O'Neill; to the Committee on Military Affairs.

OPEN EXECUTIVE SESSIONS

Mr. DILL. I ask unanimous consent to submit a resolution and to have it read and lie on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The resolution (S. Res. 336) was read, as follows:

Resolved, That all sessions of the Senate for the transaction of executive business shall be held with open doors and a public record of the same be kept as in legislative session, unless the Senate by a two-thirds vote shall order secret executive sessions.

The Committee on Rules is hereby directed to revise the Standing Rules of the Senate in accordance with the terms of this resolution and report such revision of the rules back to the Senate within 10 days.

The PRESIDING OFFICER. The resolution will lie on the table, as requested by its author.

Mr. DILL. Mr. President, the effect of this resolution will be to make open executive sessions the rule of the Senate and secret executive sessions the exception to the rule, to be held only when two-thirds of the Senate believe the executive business for consideration is so grave that secrecy is necessary. My own opinion is that under this rule we would seldom if ever have secret executive sessions, except in case of war or serious international troubles.

EXPULSION RULES OVERRIDE CONSTITUTION

The present rules of the Senate not only provide for secret executive sessions, but provide for the expulsion of Senators who dare repeat what is said in the Senate during executive sessions. The Constitution provides that no Senator shall be called to account for anything said on the floor of the Senate, but the Senate rules override the Constitution by permitting fellow Senators to call another Senator to account if he dares to repeat what is said or done by Senators in secret session, if he dares to let the people, the great sovereign of us all, know what he or other Senators have said or done on the floor of the Senate when the doors were closed. I am glad to be able to say that such rules were never adopted while those who wrote the Constitution were members of this body. The effort to establish a special rule of secrecy in 1813, 24 years after the adoption of the Constitution, utterly failed because the special committee to which the motion was referred never reported on it.

It was not until 1868, soon after the Civil War and about 80 years after the adoption of the Constitution, that the Senate adopted its present rule, providing for the expulsion of a Senator who discloses the proceedings in executive sessions. Let me review briefly the development of the present iron-bound rules of secrecy from the beginning.

During the first 11 years, 1789 to 1800, the Senate rules make no mention of secrecy whatsoever. On December 22, 1800, the Senate adopted the following rule:

Resolved, That all confidential communications made by the President of the United States to the Senate, shall be, by the Members thereof, kept inviolably secret; and that all treaties which may hereafter be laid before the Senate, shall also be kept secret, until the Senate shall by their resolution, take off the injunction of secrecy.

This rule for secrecy applied only to treaties and confidential communications of the President. For 20 years this was the only rule regarding secrecy of executive sessions. Then on January 3, 1820, the first rule regarding secrecy of discussions concerning nominations was adopted by the Senate. It reads as follows:

All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

For the next 24 years there were no added rules regarding secrecy of executive sessions. On May 10, 1844, the Senate adopted the following rule:

Any officer or Member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Senate, and in the case of a Member to suffer expulsion from the body.

This was the first rule providing penalties for disclosing executive business, and even this rule provided for a penalty only when the disclosure was of "written or printed matter for publication."

It was 24 years more before the adoption of the rule providing penalties for disclosing any of the proceedings of executive sessions. It was adopted March 25, 1868, and reads as follows:

Any Senator or officer of the Senate who shall disclose the secret or confidential business of proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body, and if an officer, to dismissal from the service of the Senate and to punishment for contempt.

Since 1868 the rule regarding secrecy has remained unchanged. There have been repeated attempts to abolish these severe rules, the most notable being those of Senator Platt in 1886, of Senator Kenyon in 1915, and of Senator Harrison in 1921.

In order that the growth of the rules of secrecy regarding executive sessions may be more easily understood, I desire to have printed at this point a chronological statement of these rules:

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

DEVELOPMENT OF RULES FOR SECRET SESSIONS OF SENATE

I. 1789-1800

No mention of secret sessions in rules.

II. 1800-1820

SECRET SESSIONS FOR CONSIDERATION OF TREATIES

Rule adopted December 22, 1800:

"Resolved, That all confidential communications made by the President of the United States to the Senate shall be, by the Members thereof, kept inviolably secret, and that all treaties which may hereafter be laid before the Senate shall also be kept secret until the Senate shall by their resolution take off the injunction of secrecy." (Annals of Congress, vol. 2, p. 769.)

III. 1820-1844

SECRET SESSIONS FOR TREATIES AND NOMINATIONS

Rule adopted January 3, 1820:

"17. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

"36. All confidential communications, made by the President of the United States, to the Senate, shall be by the Members thereof kept secret; and all treaties which may be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

"37. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

"38. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the Secretary, the Sergeant-at-Arms, the Doorkeeper, or, in his absence, the assistant doorkeeper." (Senate Journal, vol. 10, p. 66.)

IV. 1844-1868

PENALTY FOR PUBLICATION OF SECRET SESSION PROCEEDINGS

Rule adopted May 10, 1844:

"Resolved, That the following be added to the Standing Rules of the Senate:

"Any officer or Member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Senate, and in the case of a Member to suffer expulsion from the body." (Executive Journal, vol. 6, p. 273.)

V. 1868

PENALTY FOR DISCLOSING ANYTHING ABOUT SECRET SESSIONS

Rule adopted March 25, 1868:

"18. On a motion made and seconded to shut the doors of the Senate on the discussion of any business which may, in the opinion of a

Senator, require secrecy, the Presiding Officer shall direct the gallery to be cleared, and during the discussion of such motion the doors shall remain shut.

"39. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret, and all treaties which may be laid before the Senate and all remarks and proceedings thereon shall also be kept secret until the Senate shall by their resolution take off the injunction of secrecy.

"40. All information or remarks concerning the character or qualifications of any person nominated by the President to office shall be kept a secret; but the fact that a nomination has been made shall not be regarded as a secret.

"41. When acting on confidential or executive business the Chamber shall be cleared of all persons except the Secretary of the Senate, the principal or executive clerk, the Sergeant at Arms, and Doorkeeper, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary, and all such officers shall be sworn to secrecy.

"50. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body, and if an officer, to dismissal from the service of the Senate and to punishment for contempt." (Senate Journal, vol. 62, pp. 345, 346.)

Mr. DILL. These rules regarding secret sessions, as adopted in 1868, have remained substantially unchanged until the present time. The rules were revised and adopted January 11, 1884, and an amendment regarding executive business was made March 6, 1888, and another amendment March 31, 1904. But none of these amendments materially changed the rules of 1868, so far as secret executive sessions are concerned.

ABOLITION OF SECRET LEGISLATIVE SESSIONS

Now, Mr. President, I desire to discuss briefly the abolition of secret sessions of legislative bodies. Previous to the American Revolution the officials of European governments always met in secret. In fact, our own Continental Congress sat in secret. On page 52, fifth volume of Elliot's Debates, describing the session of 1783, we find the following:

A motion was made by Mr. Hamilton, seconded by Mr. Willson, that Whereas Congress were desirous their measures should be known to their constituents in all cases where the public safety would admit, when the subject of finances were under debate, the doors of the Congress should be open.

This motion failed, being given the vote of only one State.

Our own House of Representatives, which met first on March 4, 1789, and had no quorum, so did not organize until April 1, 1789, met behind closed doors until April 8, 1789. That was the first time in the history of modern representative government that the legislative branch of a great national government conducted its business with open doors. The doors of the House have never been closed since, except on rare occasions when it was thought public safety demanded it. This was the great American victory for the doctrine that the people's business is public business.

John Adams, the Vice President at that time, writing to his wife April 19, 1789, said:

Before this I presume the printers in Boston have inserted in their gazettes the debates of the House of Representatives, which are conducted with open galleries. This measure, by making the debates public, will establish the National Government or break the Confederation. I can conceive of no medium between these extremes.

The fight to open the Senate doors began within a month after the appearance of a quorum, April 6, 1789. When a motion to open the doors was made the Senators from Virginia moved to lay the motion on the table and the motion carried. When William Henry Lee and William Grayson returned from Virginia to the next session of the Senate they had been instructed by the State Legislature of Virginia to make the motion to open the Senate doors. Senator Lee made the motion and it was defeated.

Grayson died, and James Monroe succeeded him in November, 1790. Monroe, in obedience to these instructions, made the motion February 24, 1791. It was debated two days and defeated—9 to 17. Monroe renewed the motion March 26, 1792, and it lost 8 to 17. It was defeated again in April, 1792, by 6 to 16, and again on February 4, 1793, by 7 to 21. Although modified, it was defeated again on the same day by 10 to 18.

When the question of opening the doors for the discussion of the seating of Albert Gallatin, elected a Senator from Pennsylvania, came up on February 11, 1793, the Senate voted without division to open the doors. The objection to Gallatin was that he had not been a citizen of the United States for nine years.

Thirteen days later, February 24, 1793, the Senate passed the resolution to open the doors of legislative sessions at the beginning of the next session and provided for the construction of a gallery. Thus it will be seen that the Senate struggled long and fiercely before following the lead of the House in abolishing the monarchical custom of secrecy for every kind of public business.

SPECIAL INJUNCTIONS OF SECRECY

When the House opened its doors it opened them for all of its business, but the Senate never abolished its secret executive sessions. During the years when there was no penalty for disclosing what was said and done in executive sessions, it was the custom of the Senate to place special injunctions of secrecy on certain treaties and certain discussions. Senators observed those injunctions then as a matter of honor.

Since the adoption of the rule that makes Senators liable to expulsion for disclosing the proceedings of executive sessions, practically everything done in executive sessions has been printed regularly in the newspapers. The trouble is that the facts are more or less garbled, and often the attitude of Senators who make addresses is entirely misrepresented. No Senator has ever been expelled for violating this rule, nor has a serious attempt ever been made to expel any Senator for such violation. Nevertheless the proceedings continue to be known through the newspapers just as often as secret sessions are held.

ORIGINAL REASON FOR SECRECY GONE

The most striking fact about the development of the rules for secrecy is that the original reason given for absolute secrecy of executive sessions was that treaties with foreign governments must not be made public, and therefore special rules must be adopted to protect our diplomatic relations against publicity. But in recent years that reason has almost entirely vanished. In fact nearly all treaties are now considered in open executive session, and our diplomatic correspondence is made public so that all who desire may know all about it.

While the Senate has given more and more publicity to treaties and foreign affairs it has at the same time become more secretive about nominations and discussions of confirmations. It was not until January 3, 1820, more than 30 years after the adoption of the Constitution, that the rules even mentioned secrecy for proceedings regarding nominations, and that rule provided no penalty. Another 48 years passed before the adoption of the present rule regarding nominations, which makes a Senator liable to expulsion. It may be added that until 1829 the executive journals were published regularly, so that the record of proceedings in executive sessions was made public year by year for the first 40 years of the Senate's history.

NOMINATIONS MORE SECRET THAN TREATIES

According to the ruling of the Senator from New Hampshire [Mr. MOSES], as announced on February 4, 1925, the present rules permit the Senate to consider treaties in open executive session by a majority vote, but for nominations they require a two-thirds vote. In fact, it has become so customary for the Senate to consider such foreign business as treaties in open session that generally no vote is taken on a motion for that purpose, while so secret has such business as confirming nominations in open session become that it can be done only by suspending the rules.

SECRECY OF ELECTIONS

Consider for a moment the ridiculous position in which the Senate places itself by such rules. There are two methods of selecting officials for high office in this Government—election and appointment. What would the people think of a proposal for secrecy of the discussions of candidates who run for elective offices? Such a proposition is so contrary to every idea we hold of democratic government that the mere mention of it makes it seem an absurdity.

Why should there be secrecy for the confirmation of appointive officials? The President names many men for high offices under the Constitution and the laws. Confirmation by the Senate is simply a form of election by Senators. Why should that election be any more secret than an election by the people themselves? The very fact that only a few men here in the Senate pass upon the qualifications of these nominees makes the reasons for publicity of discussion and action all the stronger and more controlling.

DISCUSS CHARGES IN OPEN

If there be suspicions or charges against an appointee, the best way to deal with them is to discuss them in the open so that all who desire to know may learn all the facts. If the charges be true, Senators will not dare to vote for the nomi-

nees affected. If not true the public discussions will end all further consideration of such charges.

Only a few days ago when the newspapers were full of rumors and charges about Attorney General Stone the Senate opened its doors and let the public hear the entire discussion. It was so full and free and frank that the whole country now knows all that Senators knew or had to say for or against his confirmation. Suppose the discussion had been behind closed doors. What then? The newspapers would have carried garbled accounts and reported half-true statements of the speeches made, and in the minds of millions of our citizens there would to-day be suspicion as to Mr. Stone's fitness for the bench. This would be the result of ignorance of the facts. With the public in possession of these facts, people are either satisfied or displeased with his confirmation and their conclusions are based upon the knowledge of all the facts instead of upon suspicion and prejudice.

Senators will recall that last year when the question of the confirmation of the attorneys nominated by the President to prosecute the naval oil-reserve cases came before the Senate, the Senate voted to open the doors for the discussion of the nominations. They were confirmed almost as overwhelmingly as Mr. Stone and the people given all of the facts that Senators knew for and against their confirmation, and in those cases, as in the case of Mr. Stone, the public judgment was based upon knowledge instead of on suspicion. I mention these instances to remind the Senate that we sometimes open the doors to discuss the confirmation of appointees to the very highest positions when charges and suspicions have been planted in the public mind. How indefensible, how foolish to close the doors when appointees to minor office are to be considered.

SECRECY AS OUT OF DATE AS SNUFF

Most of the business conducted in secret executive sessions is the confirmation of postmasters of small towns and of appointees to minor Federal positions in the different States. Secrecy for such business is as unjustified and as ridiculous as the keeping of snuff in the old snuff boxes near the entrance doors to this Chamber. Both are relics of the past and are equally needless and useless.

Why should we shut the Senate's doors? Is it that we want to show our importance? Does not closing the doors have exactly the opposite effect? When the onlookers go scurrying from the galleries that we may meet in secret our importance shrivels in the eyes of the people no matter how it may appear to ourselves. We are defying the doctrine that public business should be performed in public and that public officials should vote and speak publicly on all of the activities of government in which they have a part.

HOW USE POWER

I have long believed the best way to test a man's real nature is to give him power and see how he uses it. Somebody has said that if he were to write the epitaph of Abraham Lincoln he would say: "Here lies the only man in all the history of the world who, when intrusted with absolute power, never abused it except on the side of mercy." If he were writing the epitaph of Senators who close the doors to confirm the appointments of postmasters and Federal office holders in general, he might as properly write: "Here lie Senators who, when intrusted with power to confirm appointees for office, generally abused it on the side of secrecy."

PUBLICITY AND DEMOCRACY

Mr. President, the idea of publicity is closely allied with the practical workings of democracy. Publicity and democracy are as closely joined as secrecy and tyranny. That is why that, regardless of Senate rules, secret sessions of the Senate are not secret, and they never will be except when the business transacted is so grave that all Senators believe the public interest demands it be kept confidential. In the face of these facts what is the Senate going to do? Shall it go further in its efforts to compel secrecy by more rules or shall it turn its face toward publicity by opening the doors?

SHALL SENATE GO BACKWARD OR FORWARD?

The junior Senator from Pennsylvania [Mr. REED] is reported to have declared himself in favor of an additional rule which would deny the privilege of the press gallery to any newspaper reporter who dares report any of the proceedings of a secret session. Why not adopt a rule to suppress the newspaper itself that prints such a report? One is just as sensible and, in my opinion, just as constitutional as the other. No rules of this Senate ever will or ever can interfere with the freedom of the press guaranteed by the Constitution.

The resolution which I have offered proposes to do exactly the opposite. Instead of threatening members of the press gallery with expulsion, as the rules now threaten Senators who disclose proceedings of executive sessions, it invites them all to hear and see everything that we say and do, unless two-thirds of the Senate thinks the business so grave that it should be kept secret.

Instead of forcing newspaper men to become detectives and Senators to act as talebearers of secrets, it places newspaper men on their responsibility to report the truth as they see and hear it and compels every Senator to speak and act in public. Instead of trying to deny newspaper men their constitutional rights, it recognizes that right, and should secret sessions ever be held, the desire for secrecy would be based upon a two-thirds vote of the Senate.

Robert G. Ingersoll once said:

Ignorance is the soil in which roots the upas tree of suspicion and prejudice, in whose shadow reason falls and justice dies.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. McKELLAR. The Senator from Washington, I think, has been here for two years. I will now ask him does he recall any matter of importance of a secret nature ever being considered in an executive session of the Senate that was not published in the newspapers the next morning after the executive session?

Mr. DILL. I do not. I stated earlier in my address that not only have the newspapers published what has happened, but they have published half truths about it which put Senators in a false position. Senators are then compelled either to violate the rule which threatens to expel them from the Senate, or are put in the position of being falsely represented in their attitude. The position is one which, it seems to me, is humiliating to any public man.

Everyone is opposed to secrecy except when it is practiced by himself. In this connection the prayer of the Scotch plow-boy, so familiar to all lovers of his songs, is quite appropriate to this situation:

Oh wad some power the giftie gie us
To see oursels as others see us!

The Bible says in the beginning the Creator's first command was: "Let there be light, and there was light." From then until now light—the light of knowledge, the light of truth, the light of brotherly love, the light of righteousness—has been the most divine gift to man in the affairs of government as well as in all other affairs of life.

Open the doors of the Senate! Open all the doors! Let the light of publicity come in; let the light of knowledge and truth go out! In this Government of the people, for the people, and by the people, let the people see, let the people hear, let the people know.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice, and for the Judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. On that I ask for the yeas and nays.

Mr. JONES of Washington. Mr. President, I wish we might vote now, but the junior Senator from Utah [Mr. KING] asked if this question were concluded before he returned that I call for a quorum. I dislike to do it, but I am not going to take advantage of his absence.

Mr. McKELLAR. Mr. President, I will call for a quorum if it is necessary, but I suggest first we may have the yeas and nays ordered on the demand.

Mr. JONES of Washington. I have no objection to that.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I shall not discuss the pending amendment except for a moment or two. I shall not go into the question of what has been done with the money which for several years past has been appropriated for this purpose. We all know that most of it has been wasted. We know some of the men who have been employed, but they have accomplished very meager results. We know, however, that the two

men now in charge of this work are capable and efficient. I know personally Mr. Michael, one of the two gentlemen in charge of this work, and have known him for years, and I know that he is not intentionally going to waste any of this appropriation. He is a man of ability, character, and an able lawyer.

I shall vote for the McKellar amendment, because I think that \$500,000 is sufficient, but I am not intending by that vote in any way to reflect on the gentlemen in charge of this work, because, as I have said, I know they are good men. I believe, however, that the number of lawyers who can be obtained under a \$500,000 appropriation will be able to do all the work that is necessary, with the assistance of the district attorneys. For that reason I shall vote for the McKellar amendment appropriating \$500,000 instead of the \$1,000,000 appropriated by the House and approved by the Senate committee.

Mr. KING. I am sure no Senator would be willing to cripple any necessary investigations required in the prosecution of the so-called "war fraud cases." Opposition to this appropriation rests upon the firm conviction that the Department of Justice has utterly failed in the performance of its duty and has not justified the appropriations which heretofore have been made, and further that ample provisions have been made for the performance by the Department of Justice of all duties assigned to it under the laws. During the war and immediately following there were numerous charges to the effect that many corporations and individuals who had had business dealings with the Government, and contracts for the supplying of commodities required by the Government in the prosecution of the war, had been guilty of fraud or had made inordinate profits. The air was surcharged with the belief that the Government had been robbed of large sums of money by contractors, and particularly those who had erected the cantonments and had been engaged in the production of aircraft and munitions of war. It was also believed that in the construction of ships frauds had been perpetrated by builders and contractors to the injury of the Government.

President Wilson ordered an investigation of the aircraft activities, selecting Judge Hughes for that responsible task. After what was believed to be a comprehensive investigation, Judge Hughes reported, as I recall, that there had been no violations of law except by one or two individuals, one of whom was an emergency officer of the Army. Undoubtedly there was inefficiency in the organization that had to do with the construction of airplanes, but the investigation of Judge Hughes would seem to indicate that no frauds had been committed which justified prosecution, and that criminal statutes had been violated by only the persons just referred to.

When a change in administration occurred the triumphant party announced with a great blare of trumpets that it would make a thorough investigation of all the activities of the former administration, and particularly of its conduct of the war.

Senators will remember that among the charges made by perverid orators, was one which related to the sale of numerous war supplies in France. Few persons were farsighted enough to determine just when the war would end, and none believed that it would terminate so dramatically and so suddenly as it did on the 11th of November, 1918. Ordinary prudence required that our Government, and those in charge of war operations, should make full preparations for the nearly 5,000,000 men who were in the military and naval services of the United States. They would have been derelict in the highest degree if they had failed to make provisions for a military campaign which would extend far beyond November, 1918.

The world does not furnish an example of preparation and accomplishment for military purposes equal to that of our Government during the years 1917 and 1918. Of course, the provisions made in anticipation of a longer duration of the war produced supplies in excess of those consumed in the military and naval operations of the war. In France there were large supplies at the end of the war which were unnecessary. Railroads had been built and large warehouses constructed which were not needed. General Dawes and other officers of the Army sold many of these supplies, including railroads, to the French Government. Senators will recall that charges were made that this transaction was disadvantageous to the Government. When the Republicans came into power committees were appointed to investigate war activities, and General Dawes was called as a witness. It will be remembered with what indignation he replied to his inquisitors—and I am sure the country was convinced that the transaction in which he was conspicuous was wise and provident and of advantage to our country.

For many months investigations were carried on by committees of the House, and charges were made that frauds had been committed and the Government robbed of millions of dollars. The Attorney General, Mr. Daugherty, when the fever—developed through the investigations and perhaps intensified by partisanship—was at its height, addressed a letter to President Harding, who, in turn, transmitted it under date of May 9, 1922, to the Republican leader of the House of Representatives.

I shall not comment upon the partisanship revealed in the letter of Mr. Daugherty. It is sufficient to say that he exhibited the zeal of an advocate, and seemed more interested in securing publicity and impressing upon the country how earnest and faithful he and his subordinates were in discharging, or seeking to discharge, a public duty than in pursuing a wise and judicious course. He charged that the country would soon have reason to know that influential personages in the Government had knowledge of fraudulent transactions and were personally interested in concealing knowledge of the same. He referred in his letter to the task of creating an organization to prosecute malefactors and unearth wrongs and frauds upon the Government.

In his letter he also stated that the department was then handling more than 200 cases coming under the general head of war contract cases, and that this included investigations and proceedings looking to the punishment of individuals for defrauding the Government and to the recovery of moneys due to the Government. He also referred to numerous other cases growing out of claims for war-time frauds.

The Attorney General also stated that the Department of Justice had made "gratifying progress in these war-fraud cases. The work has thus far been largely in the way of organization and investigation." He also stated that the testimony taken before the subcommittees charged with the duty of investigating expenditures in the War Department "had been examined, digested, and analyzed"; also that "audits of accounts had been carried on in part by the War Department"; also that "cases had been referred to United States attorneys in the districts in which the debtors are located for proper action." He further stated that the work "can be greatly accelerated by the granting of a special request for an appropriation of \$500,000."

Congress promptly acted upon the message of the President and gave to the Attorney General the amount which he requested. His letter was quite sensational and indicated that great frauds had been committed and that high officers in the Government were connected with them and that the Government had been robbed of large sums of money.

A perusal of the letter of the Attorney General would lead one to believe that much of the evidence to secure convictions was in the hands of the Attorney General at the time his letter was written, and that with the machinery of the Department of Justice and that with an additional appropriation of \$500,000 the guilty parties could speedily be brought to justice and the Government recover the sums of which it had been deprived. Senators will remember that this letter was written in May, 1922. Since this appropriation was obtained a large organization was set up in the Department of Justice and scores of employees were added to the pay roll in that department. Some lawyers of eminence and distinction and a large number of political appointments were made and incompetent persons selected for positions in this new organization.

The next year another appropriation was asked for, and the following year still another, and the organization asks for the coming year \$1,725,000. The longer the organization lives and the less it does, the greater the appropriations sought. It is tainted with the same characteristics of bureaucracy, and shows the same inefficiency, so often characteristic of an oppressive bureaucratic government. The report submitted by this agency shows that but two convictions have been had during the life of the organization. Notwithstanding that millions of dollars have been appropriated to the Department of Justice for the detection of crimes and the apprehension of criminals, supplemented by large appropriations for this particular war-frauds section of the Department of Justice, only two convictions have been secured. The Attorney General indicated that many convictions were soon to be had and that numerous criminal acts had been committed which would bring prompt punishment if his department could have an additional \$500,000.

I made some inquiry as to the two convictions reported. The facts are that one of these convictions grew out of a false statement made by an individual in obtaining a passport. He pleaded guilty, not to a war fraud case, but to irregular methods in securing a passport. The other case grew out of

the wrongful conversion by an officer in the Army of an automobile truck.

These are "the great war fraud cases" which were to shock the country and which were to bring hundreds of criminals to the bar of justice. And we are told now by two spokesmen of this Department of Justice agency that no more prosecution of criminal cases are contemplated. Were there war fraud cases involving a violation of criminal statutes? If so, the Department of Justice has failed to act, and the intimation now is that the statute of limitations has run. What has the Department of Justice done with the large sums which it has received? What have these scores of lawyers, accountants, and employees been doing since March, 1920, and particularly since the first appropriation was sought in May, 1922?

It would seem, Mr. President, that the claims of the Attorney General were rash, unfounded, and slanderous, or that he and those connected with this war fraud section of the Department of Justice were guilty of gross neglect or the utmost stupidity and incompetence. I have no doubt that there has been much stupidity and incompetence upon the part of many connected with this agency.

Mr. President, I confess that I am surprised at the failure to secure results by the Department of Justice. It was my opinion that some corporations and individuals who dealt with the Government during the war had not dealt with it fairly; that some, indeed, had illegally profited in their transactions with the Government while others had violated penal statutes. It seemed to me that with the thousands of contracts entered into between the Government and corporations and individuals, not only throughout the United States but in various parts of the world, it was not reasonable to suppose that there would be no wrongdoing upon the part of some resulting in loss and injury to the Government.

Human nature is much the same in all ages. During the Civil War we know that many persons exploited the Government, drove sharp bargains with Government officials, and perpetrated frauds which called for punishment. In the Spanish-American War we remember the violations of contracts by individuals and the frauds committed upon the Government. Embalmed beef and decayed and spoiled food were sold to the Government and enormous profits made by the vendors. And so, I say, I have no doubt that in the thousands and tens of thousands of transactions which the Government had entered into during the progress of the World War there were cases in which the Government was robbed and penal statutes were violated.

I had been amazed that the Department of Justice, with the millions of dollars expended since the war for the investigation and detection and punishment of frauds and crimes, has accomplished so little. Indeed, its accomplishments are scarcely worthy of being considered.

The Senator from Tennessee has stated that during the past year, with the great army of officials employed in this particular work, but three small judgments had been obtained, and, as I have stated, but two criminal convictions had since the advent of the present administration to power on the 4th of March, 1920.

I repeat that the claims of Mr. Daugherty and others were the result of fevered imagination or criminal partisanship, or the Department of Justice and its agencies have practically ceased to function so far as the work of investigating the war-contract cases is involved. I confess, Mr. President, that I have been greatly disappointed in the work of the department because I sincerely believed that there had been some persons and corporations who had made unconscionable profits and who should have been compelled to make restitution.

As I have stated, opposition to this appropriation does not grow out of any desire to protect wrongdoers or to shield those who have wronged the Government. Of course, if there were crimes committed which called for punishment, the failure to bring the transgressors to justice rests solely with the Department of Justice; and it must be conceded that if there were violators of law, then the Department of Justice has been guilty of gross neglect and unpardonable stupidity, if it does not deserve harsher appellations in characterizing its conduct.

I am influenced in the position which I shall take with respect to the motion pending by the record of the Department of Justice and the conviction which has been forced upon me that it is absolutely incompetent or willfully derelict or that the situation does not call for the further service of this war-fraud section of that department. Senators will bear in mind that the appropriations made to the Department of Justice for the purpose of dealing with war contract and war fraud cases are not the only ones made for the same purpose. In the War Department a war-contract section was organized and, as I

recall, there was another organization in the War Department. These agencies took up the war-contract cases and war-fraud cases immediately following the war and acted upon thousands of contracts and unsettled accounts.

Senators can appreciate the fact that with the tens of thousands of contracts which were alive at the time of the armistice there would be a vast amount of work involved in settling them, even though there was no controversy and no fraud. The mere bookkeeping and accounting work was enormous, but the War Department with vigor, and so far as I am advised with intelligence and probity, earnestly addressed itself to the settlement of all outstanding matters and the adjustment of all controversies growing out of contracts and business transactions between the Government and corporations and individuals.

There were tens of thousands of cases in which contracts entered into between the Government and private individuals and corporations were interrupted by the armistice. That resulted in unsettled accounts. In many instances the Government was owing the contractors and subcontractors and in still other cases damages resulted from the termination of the contracts, for which the Government legally, morally, and otherwise was liable. And there were also many cases where advances were made by the Government to persons engaged in manufacturing commodities and munitions of war, supplies, and so forth, for the Government where large sums upon a just and fair settlement would be due to the Government.

Secretary Weeks when he came into office addressed himself in a commendable way to the continuation of this work and to the settlement of the thousands of outstanding accounts. In passing I might add that Secretary Weeks is a man of fine executive ability, and I think he proceeded with zeal and intelligence and certainly with probity in the discharge of this important work.

There was organized what is called the audit and control section of the War Department, which aided in adjusting and settling these claims. This organization and the war-contracts section investigated the various contracts and made thousands of settlements and secured a return to the Treasury of millions of dollars. In most instances they practically completed the investigations and in many cases they had narrowed the issues, so that the cases were practically ready for settlement, but owing to some disagreements in minor particulars and sometimes in major matters some of these cases the facts of which were fully known and had been developed by the War Department's organizations were turned over to the Department of Justice, and it, without bringing suit, made settlements substantially along the lines determined upon by the War Department.

The credit for settlement in the cases I am now referring to belongs to the War Department and not to the Department of Justice; and I am safe in saying that most of the sums recovered, for which the Department of Justice claims credit, would have been recovered by the War Department with further pressure upon its part of those who were indebted to the United States.

I repeat, Mr. President, that the Department of Justice has had exceedingly large appropriations to aid it in all of its activities, including the settlement of war-fraud cases; and in addition the War Department has had several millions of dollars of appropriations for like purposes. If settlements have not been made, the fault lies with the Department of Justice. I believe better results would be had with respect to the uncompleted matters, if left with the War Department, than if continued in the hands of the Department of Justice.

However, I should state that information which, I think, is reliable, would seem to indicate that the audit section, to which I have referred, is not functioning as it should, and is seeking to preserve itself as a parasitic growth for an indefinite period.

I was told yesterday by one familiar with it that some of its employees contend that it will exist for more than 10 years. The Secretary of War should promptly examine into its activities, because I feel sure it is not functioning as it should. It is quite likely that its activities have been diminished because of the supposed work of the War Frauds Section of the Department of Justice. Senators will recall that it has a large number of experts, accountants, bookkeepers, and so forth, and it assumes to investigate the cases where it is charged that there is due from contractors various sums to the Government.

This audit section, it would seem, is like other agencies of the Government which cease to be needed; and we daily come into contact with such agencies, and we learn that those connected with them employ every means within their power to

perpetuate the life of such organizations. They often carry on extensive propaganda and build up fictitious arguments to intrigue Congress into making appropriations for the prolongation of their existence.

Mr. President, the arguments made by the Senator from Washington [Mr. Jones] and others who have supported the million-dollar appropriation would tend to create the impression that unless such appropriation is made no further investigations can be made, or recoveries had against those who are owing the Government upon war contracts. And a person listening to these Senators would be led to believe that no criminal prosecution could be had if this organization in the Department of Justice is not continued. But the facts, Mr. President, are entirely different.

I might add that Congress has always been generous in dealing with the Department of Justice. That department has increased in power and its personnel has been doubled and trebled in a very few years. I repeat, Mr. President, liberal appropriations have been made to the Department of Justice for the detection and prosecution of crimes and to protect the rights and interests of the United States.

For instance, for the fiscal year beginning July 1, 1922, and ending June 30, 1923, there was an appropriation made directly to the Department of Justice, amounting to \$479,010. This was to pay for assistants to the Attorney General and solicitors acting under his direction, and for a multitude of attorneys and clerks connected with his office, and his assistants. There was also an additional appropriation for assistants to the Attorney General and to the United States district attorneys employed by the Attorney General to aid in special cases amounting to \$850,000. Of this, \$200,000 was for assistants, assistant attorneys, to enforce the national prohibition act.

Senators will see that these two appropriations were to be devoted almost entirely to the employment of attorneys and assistants and clerical help. Undoubtedly, with these appropriations, war-fraud cases should have been handled.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. In addition to that, of course, whenever a suit is brought they employ special counsel at the place of action to assist the local district attorney.

Mr. KING. Undoubtedly that is the fact. But, Mr. President, I have not yet named all of the appropriations made for the year mentioned to aid in the prosecution of crime. There was an appropriation of \$600,000 more, called "miscellaneous expenses," and subject to the order of the Attorney General "for the United States courts and their officers, including so much as may be necessary in the discretion of the Attorney General in such instances in the district of Alaska and in courts other than Federal courts."

It will be observed that this \$600,000 was to be expended to protect the rights of the Government and in connection with the enforcement of the law.

In the same act will be found other appropriations to the Department of Justice aggregating tens of thousands of dollars. So it will be perceived that the Department of Justice was well cared for. There was also a large sum appropriated for the courts, judges, witnesses, and so forth, aggregating several million dollars—\$2,275,000 was appropriated for the expenses of United States marshals and their deputies, \$900,000 was appropriated for the salaries of district attorneys and their assistants, and a further sum of \$550,000 for "regular assistants to the district attorneys, who were appointed by the Attorney General at a fixed annual compensation." For clerks more than \$1,300,000 was appropriated. There was also a general appropriation for the detection and prosecution of crimes amounting to \$2,250,000. A portion of that could have been employed to prosecute war fraud cases, so no Senator should get the impression that ample appropriations were not made during that year to the Department of Justice.

For the fiscal year beginning July 1, 1923, and ending June 30, 1924, there were large appropriations made to the Department of Justice. For the Attorney General's office \$474,010 were appropriated. Then there were appropriations for United States solicitors and attorneys in other branches of the Government under the direction of the Attorney General. More than \$83,000 was appropriated for the employment of attorneys in conducting customs cases for the detection and prosecution of crimes, \$2,245,000; to enforce the antitrust laws, a special appropriation of \$200,000; for the investigation and prosecution of war frauds, \$500,000; for the payment of district attorneys and their assistants, \$925,000 was appropriated; and

for regular assistants to the United States district attorneys who were appointed by the Attorney General, \$600,000 was appropriated. There was a further appropriation of \$650,000 for miscellaneous expenses authorized by the Attorney General for the court and other officers.

These were not all of the appropriations made that year to the Department of Justice. For the year ending June 30, 1925, very large appropriations were made to the Department of Justice. These aggregated several millions of dollars. In my opinion it was unnecessary to make any appropriations for the war-frauds unit, because the other appropriations were ample. But this agency has fastened itself to the Department of Justice and undoubtedly will be continued for an indefinite period, notwithstanding its inutility.

Mr. McKELLAR. I call the Senator's attention to the bill under consideration, where it provides—

For regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, \$919,000.

For assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, including not to exceed \$60,180 for clerical help for such assistants in the District of Columbia, and for payment of foreign counsel employed by the Attorney General in special cases (such counsel shall not be required to take oath of office in accordance with section 360, Revised Statutes of the United States), \$650,000, of which not to exceed \$300,000 shall be available for legal services in the District of Columbia.

All of that is for special assistants and special attorneys, and a very large part of it, no doubt, is to be spent to assist the attorneys who are paid under this \$1,000,000 appropriation, or \$500,000 appropriation, whichever it shall be made. That is just adding more money all the time, and adding largely to the list of attorneys employed.

Mr. KING. Mr. President, the able Senator from Tennessee has not called attention to all of the items in this appropriation bill.

Mr. McKELLAR. Oh, no; just a portion.

Mr. KING. They total several million dollars. The Senator might properly call attention to the item of \$2,294,500 for the detection and prosecution of crimes, which is found on pages 29 and 30 of the bill before us.

Mr. McKELLAR. Mr. President, if the Senator will permit me, all of that goes to prove the statement made by one of these very excellent young directors in charge of this bureau, that they would have an awfully hard time spending the amount of money proposed to be appropriated. He was frank enough to make that statement.

Mr. KING. Mr. President, I think that this appropriation is unnecessary, and I call attention again to the observation I made a few moments ago, when I said that, listening to the addresses of the number of Senators who have spoken in favor of this bill, one would be ready to believe that this \$1,000,000 was the only fund that was available to the Department of Justice for the detection and prosecution of crime.

Mr. President, we have been increasing the appropriations for the Department of Justice very greatly each year. They have built up additional organizations, bureaus, and agencies, and they have received additional appropriations, until to-day the amount carried by the pending bill, as I have hastily examined it, amounts to more than \$20,000,000.

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. KING. I yield.

Mr. SHIPSTEAD. I have been informed that quite a good deal of money was spent by the Department of Justice for the purpose of searching Senators' offices and censoring their mail. I should think that so long as public funds were paid for that purpose it would be proper to ask for a report upon what was found. I would like to have the Senator's opinion on that.

Mr. JONES of Washington. Mr. President, I suggest to the Senator that the man who made that statement has been twice convicted and has been sentenced to the penitentiary. I do not believe there is very much truth in that charge.

Mr. KING. Mr. President, Senators of high standing, two of whom I recall, have stated that their offices were searched and their desks broken into. I do not think that statement rests alone upon the testimony of Gaston B. Means. One Senator also has stated that the Department of Justice agents followed him for months. There are other cases which Senators will

recall showing the activities of the department which call for condemnation.

Mr. McKELLAR. I think the junior Senator from Arkansas [Mr. CARAWAY] stated that his office had been searched.

Mr. JONES of Washington. If Senators have made such statements with reference to their offices, of course I would not dispute what they have said, but I think as a general proposition there has been no investigation of that kind.

Mr. KING. Mr. President, I am not advised as to that. I do know that the American people were not satisfied with the administration of the Department of Justice under Mr. Daugherty, nor were they satisfied with the way in which the Bureau of Investigation was conducted.

Mr. McKELLAR. Mr. President, there are a great many people in this country interested in the inaugural ceremonies, and I understand those ceremonies are to be largely cut out because of lack of money. If \$500,000 should be saved out of this extravagant appropriation—this unnecessary, uncalled-for, improper use of the Government's money, as it seems to me—there might be a little more to spend on the inauguration of the President of the United States.

Mr. KING. Mr. President, I would have preferred to have seen John W. Davis inaugurated President of the United States, of course, but as one of these tellers, in counting the vote to-day in the joint session of the House and the Senate, I was compelled to join with my associates in finding that Calvin Coolidge was elected President of the United States. I bow to the wishes of the people, and I should like to see the President of the United States inaugurated with befitting ceremony. He is the President of the United States, President of Democrats and Republicans and Progressives alike, and as the occupant of the high office of President, Mr. Coolidge is entitled to the respect of the American people. I should be glad to see fitting ceremonies upon the occasion of the inauguration of Calvin Coolidge as President of the United States.

Mr. President, I have here the law showing further appropriations made to the Department of Justice, but I shall not take the time to put them into the Record. I can only say that Congress has been exceedingly generous for a number of years in dealing with the Department of Justice. This appropriation of \$1,000,000 is not needed. I think the committee ought to have rejected the entire appeal and said to the Department of Justice, "We have given you millions of dollars in the regular appropriation for the detection and prevention of crimes and for the protection of the interests of the United States; that ought to be sufficient."

Mr. President, I should willingly vote for \$1,000,000 or any amount necessary to protect the interests of our country. If the Department of Justice requires more money than this bill carries in the general and special items I should be very glad to vote for the same. I recall that in one of the recent appropriation bills I suggested that the Attorney General should be given a larger sum to enforce the Sherman antitrust law. I believed that if that law were not enforced monopolies would increase and the industrial and economic life of the people would be seriously interfered with. I regret that it was not wisely used and that no sufficient results were obtained from the appropriation.

Mr. President, the laws must be enforced and the interests of the country guarded. I am not in favor of a niggardly policy in appropriation bills for law enforcement and for the protection of our country; but I am convinced that the appropriations carried in the bill, exclusive of the item we are now discussing, are ample and generous and will meet all legitimate needs of the Department of Justice. An active and vigorous Attorney General would promptly, in my opinion, disband the war-frauds division of the Department of Justice and allocate the work to the United States district attorneys, where it properly belongs, and wind up in a short time whatever cases and matters relating to war contracts may now be in the Department of Justice for settlement and determination.

Mr. SMITH obtained the floor.

Mr. McKELLAR. Mr. President, the yeas and nays have been ordered.

Mr. SMITH. I desire to speak on another matter, and if it is the intention to have a vote at this time I shall postpone my remarks until after the vote is taken.

Mr. McKELLAR. Will the Senator let us have a vote at this time?

Mr. SMITH. Certainly, if we can vote now.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Smith
Bayard	Fess	McNary	Smoot
Bingham	George	Mayfield	Spencer
Brookhart	Glass	Means	Stanfield
Broussard	Gooding	Metcalf	Stanley
Bruce	Hale	Moses	Sterling
Bursum	Harris	Neely	Swanson
Cameron	Heflin	Norbeck	Trammell
Capper	Howell	Oddie	Wadsworth
Caraway	Johnson, Calif.	Pepper	Walsh, Mass.
Copeland	Johnson, Minn.	Pittman	Walsh, Mont.
Couzens	Jones, N. Mex.	Ransdell	Warren
Curtis	Jones, Wash.	Reed, Pa.	Watson
Dale	Kendrick	Robinson	Weller
Dial	Keyes	Sheppard	Wheeler
Dill	King	Shipstead	Willis
Edwards	Ladd	Shortridge	
Fernald	McKellar	Simmons	

Mr. GLASS. I was requested to announce that the Senator from Colorado [Mr. PHIPPS], the Senator from Delaware [Mr. BALL], and the Senator from Illinois [Mr. McKINLEY] are necessarily absent from the Chamber attending a meeting of the Committee on Appropriations.

Mr. ROBINSON. I wish to announce that the Senator from Indiana [Mr. RALSTON] is necessarily absent.

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum of the Senate is present.

Mr. TRAMMELL. Mr. President, we have heard a great deal during the last two or three years in regard to the question of economy and the necessity for retrenchment in the Government departments at Washington. I think there has been a persistent effort on the part of the heads of a number of the departments to try to institute and bring about economy. It has been rather conspicuous, however, to me, and I think all other observers, that in their effort to bring about economy they have sought to place the burden and the hardships of that economy upon the clerks drawing the lower scale of salaries. In their purpose to bring about this reform, as a rule they have overlooked the employees drawing the better salaries. It seems to me, when it comes to the question of reducing the governmental force in the District of Columbia, that those in power do not consider eliminating the surplus heads of the various units nor the curtailing of the top-heavy supervisory force, but it is always with an object of curtailing the force of employees who are drawing meager salaries which are scarcely sufficient for them to live upon at the present high cost of everything.

So far as I am concerned, I believe in economy of expenditures by the Government through reason and justice, but I do not approve of the policy which seeks to impose all curtailment of expenditures and reduction of forces upon those occupying the average of the Government positions at salaries from \$1,000 to \$2,000. That seems to be the trend of the policy which prevails throughout Washington and the departments at the present time. I have been very much gratified to see a number of editorials appearing in the Washington Times in defense of the ordinary, poorly paid Government employee.

Under the so-called reclassification act there has never been, as far as I know, any effort to reduce the heads of departments; there is no effort to lessen the number of those drawing salaries from \$4,000 to \$10,000 per annum; there is no effort to reduce the salaries of those who are drawing these larger ones; but every effort seems to have been to reduce the salaries of the poor clerks and employees drawing the small salaries. Every effort in trying to bring about reform in the Government service has been directed toward this class of our Government employees. The policy has been to increase the large salaries, reduce the small salaries. To me the policy is most reprehensible.

I have read in the newspapers recently, and I understand that orders have been promulgated to that effect, that each employee would be graded upon his record, which is proper, but that if his record in the opinion of those in a supervisory capacity did not justify his retention in the service he could be dropped from the roll without the right of appeal and without the right of hearing. I submit in a free country that to bar from a hearing and appeal is an outrage and an injustice which some tyrant attempts to inflict upon this great body of Government employees serving the Government throughout the country. I realize that every business should have system. We should have reasonable regulations for the Government employees, but they are entitled to just, fair, and humane treatment.

I submit it is an injustice to any employee to permit his or her supervisor, who may be actuated by some prejudice against the employee, to grade them out of the service, without right of appeal or right of hearing.

I have known of one or two concrete cases here in the District of Columbia of Government employees who were headed for dismissal from the service and were about to have injustice inflicted upon them and would have lost out had not some one intervened in their behalf and obtained for them a fair deal. I know of one case, for instance, where a board composed of five or six of the heads of bureaus was sitting upon the question of salaries. One man upon that board, who had a prejudice against a certain employee, controlled and dominated the other members of the board without letting his real motive be known, and the board was going to reduce the salary of that employee from \$2,200 to \$1,800 per annum when every other employee doing the same class of work in the same grade would remain in the \$2,200 per annum class. The matter, however, was brought to the attention of a certain Senator, who appealed to the board and insisted that that employee should have a hearing and that the facts should be gone into. As a result of that inquiry, the employee was retained in the grade to which he was entitled instead of being reduced from a salary of \$2,200 to one of \$1,800 per annum, merely upon the prejudice of a member of the board, who at one time had been a supervisor of the unit in which that employee worked. Under the new order the employee would, under such circumstances, have no right of appeal.

I merely mention this, Mr. President, in order to show that the trend of many of those in authority and power is to show but little consideration to the average small salary employee. When, however, they come to the question of trying to bring about economy and the legal branch of the service is considered, even the Budget Bureau approved of giving \$1,725,000 for the purpose of prosecuting war frauds, and turning it over to the branch of the Government that is attempting to be made into a bureau. They did not see any necessity for economy there. They talk about saving \$40 or \$50 on the salary of some poorly paid employee; they talk about slicing off \$100 or \$1,000 on a certain number of employees in some other branch of the service; but when it comes to this branch of the service even the Budget Bureau approves of an appropriation of \$1,725,000 for the employment of lawyers, some of them at fabulous salaries. They do not see any necessity for cutting expenses in this direction. I repeat, the amount of \$1,725,000 was approved and recommended by the Budget Bureau; they are perfectly willing to allow this division to have this enormous sum of money for carrying on the work of the war-frauds board, when up to the present time, covering three or four years, there has been no result of any consequence obtained by those administering this particular branch of the Government. It is ridiculous and absurd to talk about giving \$1,725,000 for this purpose. In my opinion, it is not only ridiculous but is absolutely a filching of the Public Treasury to give this division \$1,000,000.

I say let economy start where economy should be applied, and cease, as some of them are doing, trying to hammer down and cry down the average employee and make regular sweatshops out of some of the Government departments. Let us start on the program of economy right here at the proper place and reduce this appropriation to \$500,000, as is proposed by the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. The Secretary will call the roll on the amendment proposed by the Senator from Tennessee [Mr. McKellar].

Mr. McKellar. I ask that the amendment may be stated, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 32, line 19, the Senator from Tennessee moves to reduce the appropriation for investigation and prosecution of war frauds from \$1,000,000 to \$500,000.

The reading clerk proceeded to call the roll.

Mr. Ladd (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. Harrison], and, therefore, withhold my vote.

The roll call was concluded.

Mr. Robinson. The senior Senator from Indiana [Mr. Ralston] is necessarily absent. If present, he would vote "yea."

Mr. Stanley (after having voted in the affirmative). I transfer my pair with the junior Senator from Kentucky [Mr. Ernst] to the senior Senator from Tennessee [Mr. Shields], and allow my vote to stand.

Mr. Jones of Washington. I desire to announce the following pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Rhode Island [Mr. Cerry];

The Senator from Massachusetts [Mr. Butler] with the Senator from Mississippi [Mr. Stephens]; and

The Senator from West Virginia [Mr. Elkins] with the Senator from Oklahoma [Mr. Owen].

The result was announced—yeas 37, nays 41, as follows:

YEAS—37

Ashurst	Edwards	McKellar	Smith
Bayard	Ferris	Mayfield	Stanley
Borah	Fletcher	Neely	Swanson
Brookhart	Frazier	Overman	Trammell
Broussard	George	Pittman	Walsh, Mass.
Bruce	Harris	Ransdell	Walsh, Mont.
Caraway	Heflin	Reed, Mo.	Wheeler
Copeland	Jones, N. Mex.	Robinson	
Dial	Kendrick	Sheppard	
Dill	King	Simmons	

NAYS—41

Ball	Gooding	Means	Spencer
Bingham	Hale	Metcalf	Stanfield
Bursum	Harrell	Moses	Sterling
Cameron	Howell	Norbeck	Wadsworth
Capper	Johnson, Minn.	Oddie	Warren
Couzens	Jones, Wash.	Pepper	Watson
Cummins	Keyes	Phipps	Weller
Curtis	Lenroot	Reed, Pa.	Willis
Dale	McKinley	Shipstead	
Fernald	McLean	Shortridge	
Fess	McNary	Smoot	

NOT VOTING—18

Butler	Glass	La Follette	Shields
Edge	Greene	McCormick	Stephens
Elkins	Harrison	Norris	Underwood
Ernst	Johnson, Calif.	Owen	
Gerry	Ladd	Ralston	

So Mr. McKellar's amendment was rejected.

Mr. McKellar. Mr. President, I give notice that I shall renew the amendment when the bill reaches the Senate.

INCREASE OF POSTAL SALARIES AND POSTAL RATES

Mr. MOSES. Mr. President, out of order, I ask unanimous consent to present a report from the Committee on Post Offices and Post Roads; and if that consent is granted I shall ask further unanimous consent to make a very brief statement about the report.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent to make a report from the Committee on Post Offices and Post Roads. Is there objection? The Chair hears none.

Mr. MOSES. Mr. President, I am authorized by the Committee on Post Offices and Post Roads to report back favorably, with an amendment, House bill 11444, which is the so-called postal salaries and rates bill. The amendment comprises striking out all after the enacting clause and inserting the postal rates and salaries bill exactly as it passed the Senate prior to its unfortunate reception at the hands of the House of Representatives. I wish to give notice that I shall take the earliest possible occasion for asking the Senate to give consideration to this measure.

The PRESIDENT pro tempore. Does the Senator from New Hampshire ask for the immediate consideration of the bill?

Mr. MOSES. No; I do not ask that, Mr. President, because, as I said when the original bill was before the Senate, I have no disposition whatever to interfere with the progress through the Senate of the regular appropriation measures. I wish to give notice, however, that I shall take the earliest possible occasion to call up this bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

PRODUCTION OF SULPHUR ON PUBLIC DOMAIN

Mr. Ladd. From the Committee on Public Lands and Surveys I report back favorably, with amendments, Senate bill 4120, to promote the production of sulphur upon the public domain; and I submit a report (No. 1073) thereon. I call the attention of the senior Senator from Louisiana [Mr. Ransdell] to the bill.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. Ransdell. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It affects only some property in Louisiana. It will not take more than a minute.

The PRESIDENT pro tempore. Is there objection?

Mr. Jones of Washington. If it will lead to no debate at all, I shall not object.

Mr. Ransdell. It will lead to no debate. If it does, I will withdraw it. I think it will take only a moment. It affects only property in Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The amendments were, on page 1, line 7, after the name "United States," to insert "situated within the State of Louisiana"; and in line 10, after the word "form," to strike out the colon and the following additional proviso: "Provided further, That the provisions of this section shall not apply to lands in San Bernardino County, Calif.," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for sulphur in lands belonging to the United States situated within the State of Louisiana for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall be not exceeding 640 acres of land in reasonably compact form.

SEC. 2. Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of sulphur have been discovered by the permittee within the area covered by his permit, and that the land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of 5 per cent of the quantity or gross value of the output of sulphur at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public-land surveys, or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior: *Provided*, That where any person having been granted an oil and gas permit makes a discovery of sulphur in lands covered by said permit he shall have the same privilege of leasing not to exceed 640 acres of said land under the same terms and conditions as are given a sulphur permittee under the provisions of this section.

SEC. 3. Lands known to contain valuable deposits of sulphur and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 640 acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre per annum, the rental paid for any one year to be credited against the royalties accruing for that year.

SEC. 4. Prospecting permits or leases may be issued under the provisions of this act for deposits of sulphur in public lands also containing coal or other minerals on condition that such other deposits be reserved to the United States for disposal under applicable laws.

SEC. 5. The general provisions of section 1 and sections 26 to 38, inclusive, of the act of February 25, 1920, entitled "An act to promote the mining of gold, phosphate, oil, oil shale, gas, and sodium on the public domain, are made applicable to permits and leases under this act, the first and thirty-seventh sections thereof being amended to include deposits of sulphur, and section 27 being amended so as to prohibit any person, association, or corporation from taking or holding more than three sulphur permits or leases in any one State during the life of such permits or leases.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

Mr. BINGHAM. Mr. President, on page 17, line 7, I move to strike out the word "dependencies" and insert the word "Territory"; and after the word "Hawaii" I move to insert the words "and the dependencies of."

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment which will be stated by the Secretary.

The READING CLERK. On page 17, line 7, it is proposed to strike out the word "dependencies" and insert the word "Territory," and after the word "Hawaii" it is proposed to insert the words "and the dependencies of," so that, if amended, it will read:

Including the Territory of Hawaii and the dependencies of the Philippine Islands, Porto Rico—

And so forth.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, on page 17, line 12, I offer the same amendment.

The PRESIDENT pro tempore. The Senator from Connecticut offers a further amendment which will be stated by the Secretary.

The READING CLERK. On page 17, line 12, it is proposed to strike out "dependencies" and insert "Territory," and after "Hawaii" it is proposed to insert "and the dependencies of." The amendment was agreed to.

Mr. SWANSON. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment which will be stated.

The READING CLERK. On page 83, line 24, it is proposed to strike out "\$43,500" and insert "\$63,500, of which \$20,000 shall be immediately available."

Mr. JONES of Washington. Mr. President, this item is subject to a point of order; but, as I understand, it is intended to meet the emergency growing out of the oyster situation. With that understanding, and giving notice to the department that this is not offered or accepted for the purpose of inaugurating a broad scheme of investigation, and so forth, but to see if something can not be done to meet the immediate emergency, I shall not make the point of order against the amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. KING. Mr. President, I should like to inquire what the emergency is. My understanding is that there is no foundation for the reports indicating that disease existed among oysters. Secondly, I should like to ask the Senator to what extent the Federal Government ought to be making expenditures of this character. I ask for information.

Mr. SWANSON. Mr. President, I will state that a letter, I think, has been or will be transmitted to Congress making a recommendation for this appropriation.

The oyster industry is now in a very wretched condition on account of some ill-timed suggestions made by some health officials in the various cities and others. The entire industry, from New York to Florida, has been prejudiced and unable to sell oysters on this account. The States make large appropriations for the examination of these oysters. In Virginia every creek from which oysters are taken is so examined. If there is any infection there, it is ascertained. The oyster beds are surveyed regularly. The same thing is done in Maryland and other sections. People will not take the certificate of the State, however, to the extent that they will take the certificate of the Federal Government. Consequently, the Federal Government has been anxious to aid this situation by making a survey and seeing that these particular oysters are not taken from infected fields. Such a course would be very effective in relieving the situation. In this bill are carried hundreds and hundreds of thousands of dollars for the fish industry, for the oyster industry, and for various kinds of industries, and the department believes it can help in this emergency. The fund is to be appropriated and used immediately.

Mr. SMOOT. Mr. President, I noticed in the press this morning the announcement that after a thorough investigation it has been found that only one firm had distributed poisonous oysters, and that from now on there is to be no ban upon any oysters except those produced by this one firm in one locality.

Mr. SWANSON. That might be true for that firm, but nobody knows when the emergency will arise again. I know that since this matter has been pending I have tried to get the Bureau of Fisheries and the Health Department to do something to relieve the situation, and no funds were available for the purpose, and nothing could be done.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and open to further amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The Senator from New York offers an amendment which will be stated.

The READING CLERK. On page 91, line 12, it is proposed to strike out all after the word "buildings," including the semicolon, down to and including the word "available" in line 18.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from New York.

Mr. COPELAND. Mr. President, I should like to ask my colleague the purpose of the amendment that he proposes.

Mr. WADSWORTH. I am surprised that my colleague does not know the purpose of the amendment, but I shall be perfectly willing to impart the information to him. The purpose is to strike out the language which was the subject of controversy here yesterday. The effect will be to restore the committee amendment.

Mr. COPELAND. Is my colleague, then, willing to have the amount of the appropriation reduced from \$680,000 to the Budget estimate of \$630,000?

Mr. WADSWORTH. No; I am not. I should vote against any motion to reduce the appropriation.

Mr. COPELAND. I want Senators in voting to understand that the estimate made was for \$630,000, and that that was to continue the work of the Federal naturalization bureau in New York, as it was operated last year. The House, by the unanimous vote of the committee and by a vote of the House, added \$50,000 to that estimate in order that the work in the State courts could go on. Therefore, of course, I must oppose the amendment offered by my colleague.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from New York [Mr. WADSWORTH].

Mr. WADSWORTH. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. LADD (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. HARRISON] and I withhold my vote.

Mr. WILLIS (when Mr. FESS's name was called). My colleague [Mr. FESS] is unavoidably absent. He is paired on this vote with the junior Senator from Arkansas [Mr. CARAWAY]. If my colleague were present, he would vote "yea."

Mr. McNARY (when name of Mr. JOHNSON of California was called). I desire to announce that the senior Senator from California [Mr. JOHNSON] is paired with the senior Senator from Illinois [Mr. McCORMICK] on this question.

Mr. McNARY (when his name was called). On this matter I am paired with the junior Senator from Indiana [Mr. RALSTON], and in his absence I withhold my vote.

The roll call was concluded.

Mr. CARAWAY. On this vote I am paired with the junior Senator from Ohio [Mr. FESS]. I transfer that pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "nay."

Mr. ROBINSON. I desire to announce that the junior Senator from Indiana [Mr. RALSTON] is necessarily absent. If present, he would vote "nay."

Mr. STANLEY (after having voted in the negative). I transfer my pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The senior Senator from New Jersey [Mr. EDGE] with the senior Senator from Rhode Island [Mr. GERRY];

The senior Senator from West Virginia [Mr. ELKINS] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Massachusetts [Mr. BUTLER] with the junior Senator from Mississippi [Mr. STEPHENS].

Mr. WALSH of Massachusetts. I desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily absent, on account of illness.

Mr. PHIPPS (after having voted in the affirmative). I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Vermont [Mr. GREENE], and allow my vote to stand.

The result was announced—yeas 38, nays 35, as follows:

YEAS—38

Ball	Fernald	Means	Spencer
Bingham	Gooding	Metcalf	Stanfield
Borah	Hale	Moses	Sterling
Bursum	Harrell	Norbeck	Wadsworth
Cameron	Howell	Oddie	Warren
Capper	Jones, Wash.	Pepper	Watson
Couzens	Keyes	Phillis	Weller
Cummins	Lenroot	Reed, Pa.	Willis
Curtis	McKinley	Shortridge	
Dale	McLean	Smoot	

NAYS—35

Bayard	Frazier	McKellar	Simmons
Brookhart	George	Mayfield	Smith
Broussard	Glass	Neely	Stanley
Bruce	Harris	Overman	Swanson
Caraway	Heflin	Pittman	Trammell
Copeland	Johnson, Minn.	Ransdell	Walsh, Mass.
Dill	Jones, N. Mex.	Reed, Mo.	Walsh, Mont.
Ferris	Kendrick	Robinson	Wheeler
Fletcher	King	Sheppard	

NOT VOTING—23

Ashurst	Ernst	Ladd	Ralston
Butler	Fess	La Follette	Shields
Dial	Gerry	McCormick	Shipstead
Edge	Greene	McNary	Stephens
Edwards	Harrison	Norris	Underwood
Elkins	Johnson, Calif.	Owen	

So Mr. WADSWORTH's amendment was agreed to.

Mr. McKELLAR. On page 32, in line 19, I move to strike out the figures "\$1,000,000" and to insert in lieu thereof "\$700,000."

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 32, line 19, strike out "\$1,000,000" and insert in lieu thereof "\$700,000," so as to read:

Investigation and prosecution of war frauds: For the investigation and prosecution of alleged frauds, either civil or criminal, or other crimes or offenses against the United States, growing out of or arising in connection with the preparation for or prosecution of the late war, including the institution and prosecution of suits for the recovery of moneys which contain no element of fraud but arose incident to the investigation of alleged frauds, to be available for the employment of counsel and other assistants, rents, and all other purposes in connection therewith, whether in the District of Columbia or elsewhere, including not to exceed \$10,000 for communication service, the purchase of furniture, law books, books of reference, and other necessary equipment and supplies at the seat of the government, \$700,000, to be expended in the discretion of the Attorney General.

Mr. McKELLAR. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). On this vote I have a pair with the junior Senator from Ohio [Mr. FESS], which I transfer to the junior Senator from New Jersey [Mr. EDWARDS], and vote "yea."

Mr. LADD (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. HARRISON] and therefore I withhold my vote.

Mr. PHIPPS (when his name was called). Making the same announcement as on the previous vote as to the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. WILLIS. My colleague [Mr. FESS] is necessarily absent. He is paired on this vote with the junior Senator from New Jersey [Mr. EDWARDS]. If my colleague were present, he would vote "nay."

Mr. McNARY. On this question I am paired with the junior Senator from Indiana [Mr. RALSTON]. I transfer that pair to the Senator from Illinois [Mr. McCORMICK] and vote "nay."

Mr. JONES of Washington. I desire to announce the following general pairs:

The senior Senator from New Jersey [Mr. EDGE] with the senior Senator from Rhode Island [Mr. GERRY];

The senior Senator from West Virginia [Mr. ELKINS] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Massachusetts [Mr. BUTLER] with the junior Senator from Mississippi [Mr. STEPHENS].

Mr. SIMMONS (after having voted in the affirmative). Has the junior Senator from Oklahoma [Mr. HARRELD] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I have a general pair with the junior Senator from Oklahoma, which I transfer to the senior Senator from Arizona [Mr. ASHURST] and allow my vote to stand.

Mr. McLEAN. Has the junior Senator from Virginia [Mr. GLASS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. McLEAN. I transfer my pair with the junior Senator from Virginia to the senior Senator from California [Mr. JOHNSON] and vote "nay."

Mr. STANLEY (after having voted in the affirmative). I make the same announcement as to the transfer of my pair as on the last vote and allow my vote to stand.

The result was announced—yeas 32, nays 39, as follows:

YEAS—32

Bayard	Bruce	Dill	George
Brookhart	Caraway	Ferris	Harris
Broussard	Copeland	Fletcher	Heflin

Jones, N. Mex.	Neely	Robinson	Swanson
Kendrick	Overman	Sheppard	Trammell
King	Pittman	Simmons	Walsh, Mass.
McKellar	Ransdell	Smith	Walsh, Mont.
Mayfield	Reed, Mo.	Stanley	Wheeler
NAYS—39			
Ball	Frazier	McNary	Smoot
Bingham	Gooding	Means	Spencer
Bursum	Hale	Metcalf	Stanfield
Cameron	Howell	Moses	Sterling
Capper	Johnson, Minn.	Norbeck	Wadsworth
Conzens	Jones, Wash.	Oddie	Warren
Cummins	Keyes	Pepper	Watson
Curtis	Lenroot	Phipps	Weller
Dale	McKinley	Reed, Pa.	Willis
Fernald	McLean	Shortridge	
NOT VOTING—25			
Ashurst	Ernst	Johnson, Calif.	Shields
Borah	Fess	Ladd	Shipstead
Butler	Gerry	La Follette	Stephens
Dial	Glass	McCormick	Underwood
Edge	Greene	Norris	
Edwards	Harrel	Owen	
Elkins	Harrison	Ralston	

So Mr. McKELLAR's amendment was rejected.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. KING. Mr. President, I want to ask the Senator from Washington [Mr. JONES], in charge of the bill, if it is the practice of the Bureau of Foreign and Domestic Commerce or if it is to be a plan of the department to afford transportation for the families and the effects of all of its employees who may go abroad? I find on page 55, line 15, a provision for the transportation of the families and the effects of various officers. I inquire whether the Senator regards that as a wise and prudent proposition. If we are to provide transportation for the families and effects of all our officials who go abroad, those in the customs service, those who represent the Agricultural Department and the Treasury Department, pretty soon we will have a much larger bill for transportation than we are paying now.

Mr. JONES of Washington. The Senator refers to the paragraph beginning on line 15?

Mr. KING. Yes; with reference to the transportation of families and effects of officers and employees.

Mr. JONES of Washington. That provides for the necessary and actual expenses of transportation and subsistence, under such regulations as the Secretary of Commerce may provide, of families and effects of officers and employees of the Bureau of Foreign and Domestic Commerce in going to and from their posts or when traveling under the order of the Secretary of Commerce, but not including any expenses incurred in connection with leave of absence.

I think such a provision has been carried in the bill for several years. I understand also that the same provision is carried in reference to Army and Navy officers, and so on.

Mr. KING. My understanding is that those employees are rather temporary and ambulatory. They are sent from one country to another. They are not permanent residents of any particular country. It seems to me, if we are called upon to pay the traveling expenses of all those persons who are circumnavigating the globe, and of all their families and of all their effects, that we are going to have a pretty heavy burden upon the Government.

Mr. JONES of Washington. It was authorized by general law, as I understand it, the same as in the case of the State Department.

Mr. KING. I do not think it is a matter of general law. I think it is a provision placed in each bill as it is presented from session to session. I am sure that the Senator must be in error in saying there is a general law which provides for the transportation of the employees of the Department of Commerce, because it is only recently, and that by expansion, that we have made provision for these representatives to go abroad.

Mr. JONES of Washington. Such a provision has been carried, at any rate, in several appropriation bills previously. I could not state positively that there is a separate legislative authorization, but it has been carried in appropriation bills for several years. Many of these people, of course, are engaged in the work of promoting commerce abroad, very similar to the work done by some of the State Department officials, and they are treated in the same way.

Mr. KING. I have examined with some little care the items carried under Title III, Department of Commerce. In my opinion, many of the activities called for in the bill and in the provision under the title just referred to are a duplication of work which is being done by the State Department, by the Treasury Department, and by the Department of Agriculture, and that the major portion of the work called for by the provisions referred to could be done very much better, with far

greater facility, and with far better results to the American people and to business if done by the Consular Service under the State Department, rather than by the Department of Commerce.

I have noticed for a number of years the expansion of the Department of Commerce and its entrance into the field which has been covered by the Consular Service of the State Department. Senators who have been abroad, particularly in Europe, must certainly have been advised of the fact that in the large cities there have been representatives of three or four of the departments of the Government doing the same line of work. I recall when I was in Berlin a little more than a year ago there were representatives of the Consular Service and of the Department of State who were obtaining figures from all over Germany, acting as a sort of clearing house in Berlin for information as to the commerce of Germany. Representatives of the Treasury Department were there, representatives of the customs service, representatives of the Tariff Commission. I am not sure whether representatives of the Federal Trade Commission and of the Department of Agriculture were there. But all who were there were trying to ascertain facts regarding our commerce and the opportunities for commercial expansion in Germany. The fact is that most of the officials of the various departments went to the State Department representatives—and when I say the State Department representatives I exclude the consular officers—for their information.

We are building up rival organizations and projecting them into the various countries of the world. Pretty soon we will have half a dozen or more of these organizations with a permanent staff, all of them doing in part the same kind of work. What ought to be done, I submit, is to have the work of getting information with regard to trade and commerce in various companies performed by our consular and diplomatic representatives. I was told in a number of countries that the English pursue a very different policy; that the ambassador and the highest diplomatic and consular representatives do not feel that it is beneath their dignity to aid their national in securing contracts. They go out and obtain information and furnish it to those of their nationals who visit them, and, of course, transmit the information to the proper officials at home. It was intimated to me that many of our diplomatic representatives would be glad to be advised that it was their duty to do more than they have been permitted to do in the past in securing business and in aiding the expansion of our trade and commerce. I have been afraid of the view entertained by some that it was not the duty of our diplomatic and our consular officers to gain this information and to aid American business men in pushing their industries and their trade and their business activities into other countries.

I believe we are making a great mistake in dividing this responsibility, in having Treasury officials and representatives of the Consular Service and of the Department of Commerce and other agencies of the Government traveling throughout the world at enormous expense and doing the work that one department of the Government could do, and do more efficiently.

I ask the Senator in charge of the bill if the committee considered the wisdom of concentrating all of these activities in the State Department and utilizing our diplomatic and our consular agencies for the performance of the work which under this bill is to be devolved upon the Department of Commerce?

Mr. JONES of Washington. Our committee could not have legislated upon that proposition anyway, but it was brought out in the committee hearings that the duplication to which the Senator refers and which did exist two or three years ago to a considerable extent is practically all, if not entirely, been done away with and the various organizations now are coordinating their efforts and not duplicating.

Mr. KING. The Senator will see from an examination of the bill that the appropriations for the Department of Commerce and for its work in foreign fields are very much larger than they were last year or the year before, or before the war, or at any period since the war.

Mr. JONES of Washington. That is true, but they are not duplicating the work of the State Department.

Mr. KING. Does not the Senator know that our consular officers and our consular agents have been obtaining and can obtain information such as it is contemplated shall be obtained by the Department of Commerce, and can do it much better than the Department of Commerce?

Mr. JONES of Washington. That is done now. They are coordinating their efforts now and working in harmony and are not duplicating the work. What these people do is work that the Department of State can not do.

Mr. KING. I am not persuaded that the Senator is right. I think there is an indefensible duplication. I think that the work abroad ought to be done by the State Department. I think the prestige that would attend the officials engaged in this work, that would flow from their being connected with the Department of State, would be to their advantage and would be to the advantage of the American people.

Mr. JONES of Washington. The Senator from Georgia [Mr. HARRIS] has just kindly reminded me of one fact I had overlooked, that it was brought out in our hearings that representatives of these departments have meetings every two weeks, I think, so as to canvass the situation and see that they are not duplicating their efforts and work.

Mr. KING. I have no doubt, Mr. President, because of the criticism that there is an attempt made now to allocate the field to representatives of these two departments; but I know that a year and a half ago there was great duplication, and I know, from inquiry which I have made and from having investigated similar activities in other countries, that if all of this work were concentrated in the State Department the work could be done a great deal cheaper and done more efficiently.

I regret, Mr. President, that the committee has seen fit to make such large appropriations for the Department of Commerce and for work which could be done far better by another branch of the Government.

The PRESIDENT pro tempore. If no further amendment is to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. WALSH of Massachusetts. Mr. President, I desire the attention of the Senator in charge of the bill. Now, that the Senate has taken the action which it has with reference to paying for clerical assistance in the State courts in naturalization cases, would the Senator refrain from making a point of order against an amendment to allow all naturalization fees to remain in the treasuries of the State courts?

Mr. JONES of Washington. No; I do not feel that I could refrain from making a point of order against an amendment of that kind.

Mr. WALSH of Massachusetts. I thought, perhaps, the Senator would. It seems to me, in view of the action which the Senate has taken, that the fees which are paid into a State court which receives naturalization petitions and handles the cases and keeps the documents ought to have the fees, and that some legislation ought to be passed to that end. I do not see why the National Government should put on the State courts the burden of acting on applications for naturalization and permit them to retain only a few thousand dollars of the fees that are collected for that purpose.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. COPELAND. Mr. President, I wish to say for myself that, despite my great disappointment over the failure of the Senate to adopt the amendment for which some of us contended, I shall vote for the passage of the bill. I am hoping that the Department of Labor will find some way by which it can give assistance to the State courts which they must have in order to go on with the work of naturalization.

I wish to say to the Senate, however, that, in my judgment, the action taken by it is a backward step. It will interfere with the admission to citizenship of thousands of aliens who are anxious to become citizens and will make good citizens. They have gone through the schools of Americanization which have been maintained by our philanthropic and patriotic citizens. What the Senate has done to-day has defeated that work. It will bring pain and suffering and unhappiness to thousands of homes in New York when it is known that the opportunity to become American citizens has been postponed in the case of many families. So I am disappointed, and I know how many others will be disappointed. My hope is that we may find some way to persuade these alien citizens that there is no deliberate intent on the part of Congress to interfere with their opportunities in this direction.

I know if Senators could understand this matter as I do they would rise above what they may consider partisanship. I wish to say at this moment that in this matter partisanship means nothing to me. If the amendment which I favored had contained a provision that every employee under it should be a Republican, I would have gladly voted for it, because it is not a question of partisanship but it is a question of the naturalization and the Americanization of our people.

I want to say to Senators on the other side of the Chamber who defeated the amendment that they have taken a backward step. There has been through the ages an embarkation to these shores of people who have sought asylum here. We have tried to make them citizens, and the action to-day has, in large measure, defeated that effort.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from New York yield to me for a moment?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. I wish to call the Senator's attention to what the action means in another direction. It means the using of State courts to produce revenue for the National Government. When the Government takes away from the State courts the fees which are paid for the purpose of providing the clerical assistance which is necessary in these courts and refuses to pay for clerical assistance in doing this work, it is using the State courts simply to swell the Treasury of the United States.

I wish to protest with the Senator from New York against the beginning of a drive against the using of the State courts for naturalization; but, above all, it seems to me that whatever fees are paid in those courts—and the fees are not for the purpose of making money; they are not imposed for the purpose of putting a price upon naturalization, but for the purpose of paying the cost of making out the papers and documents—ought to be left in the treasuries of the State courts. They should not be obliged to pay all the expenses of the judges and clerks and then turn over the fees to the National Government.

I hope the Senator from New York will make an effort to have the law changed so that these fees may remain in the State courts. Then Congress can pass all the amendments to the law it sees fit, for if the fees remain in the State courts the State courts will take care of naturalization.

Mr. COPELAND. Mr. President, I thank the Senator from Massachusetts for what he has said, and I wish to emphasize what he has said to this extent, that the Government charges the aliens \$4 while the cost is less than \$1. So we are making a profit out of Americanization and naturalization of aliens who come here seeking citizenship. It is an outrage, and I know it will be so considered among all the great national groups in this country.

I regret exceedingly that the Senate has taken this particular action, which to me, without criticizing anybody, seems an unkind and unpatriotic act. I am not, however, going to be in a position of doing anything which would interfere with the naturalization of as many as may be naturalized under the machinery provided in the bill. The bill, however, is restrictive; it will permit taking into citizenship only about 200 a week when by the use of the State courts we could take in 200 a day. The bill will postpone the citizenship of thousands of aliens for years—for perhaps 8, 9, or 10 years. So I say that the Senate is taking a very unprogressive and, according to my view, a very unpatriotic step. I intend, however, to vote for the bill. We will do as well as we can do under the restrictions provided in this particular act.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

BARKENTINE "MONTEREY"

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3310) for the relief of the owners of the barkentine *Monterey*, which was, on page 2, line 6, to strike out "with interest."

Mr. SHORTRIDGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CAPT. EARL L. NAIDEN, UNITED STATES ARMY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1370) authorizing the granting of war-risk insurance to Capt. Earl L. Naiden, Air Service, United States Army, which were, on page 1, line 5, to strike out "Captain" and insert "Major"; on page 2, line 9, to strike out "Captain" and insert "Major"; and to amend the title so as to read "An act authorizing the granting of war-risk insurance to Maj. Earl L. Naiden, Air Service, United States Army."

Mr. REED of Pennsylvania. I move that the Senate concur in the House amendments.

The motion was agreed to.

NEW YORK SANITARY UTILIZATION CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1040) for the relief of the owners of the New York Sanitary Utilization Co.

tary Utilization Co. scow No. 14, which was, on page 2, line 5, to strike out all after the word "appeal," down to and including the word "act" in line 8, and to insert: "Provided, That such notice shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

Mr. COPELAND. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SCOW "W. T. C. No. 35"

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1039) for the relief of the owner of the scow W. T. C. No. 35, which was, on page 2, line 8, to strike out all after the word "appeal," down to and including the word "act," in line 10, and to insert: "Provided, That such notice shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

Mr. COPELAND. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OSAGE INDIAN LANDS AND FUNDS IN OKLAHOMA

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRELD. I move that the Senate insist upon its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. HARRELD, Mr. McNARY, and Mr. OWEN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House insisted on its amendments to the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. REED of West Virginia, Mr. LAMPERT, and Mr. BLANTON were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 157) to authorize the more complete endowment of agricultural experiment stations, and for other purposes, in which it requested the concurrence of the Senate.

CLAIMS OF CHIPPEWA INDIANS OF MINNESOTA

Mr. HARRELD submitted the following conference report; which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendments: On page 2, line 1, of the Senate engrossed amendment, after the word "have," insert the word "unlawfully"; on page 2, in the fourth line of section 2, strike out the word "lawfully"; on page 5, in the fourth line of section 6, after the word "annum," insert "for a period of not exceeding five years"; on page 6, at the end of line 6, change the colon to a comma and add "but in no event shall such compensation for

the two attorneys or firm of attorneys exceed \$50,000"; and the Senate agree to the same.

J. W. HARRELD,
CHAS. L. McNARY,
HENRY F. ASHURST,
Managers on the part of the Senate.

HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,
Managers on the part of the House.

HOUSE BILL REFERRED

The bill (H. R. 157) to authorize the more complete endowment of agricultural experiment stations, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

INDEPENDENT OFFICES APPROPRIATION

Mr. WARREN. Mr. President, with the indulgence of the Senator from New Mexico [Mr. BURSUM], who has the special order in charge, I ask unanimous consent that the Senate proceed with the consideration of House bill 11505, being what is known as the independent offices appropriation bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I make the usual request that the formal reading of the bill may be dispensed with, that the bill when read be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the formal reading of the bill may be dispensed with, that the bill may be read for amendment, and that the committee amendments may be first considered. Is there objection?

Mr. KING. Mr. President, I shall not object to the request if the Senator—because many of us have not had a chance to read the bill—at some stage of the proceedings will permit the bill, which is short, to be read textually.

Mr. WARREN. It is my intention that that shall be done, because there are a great many points as to which the Senate will want information, and I have no wish to cut off full consideration.

Mr. KING. I was about to say that if the bill is to go over until to-morrow morning before it shall be passed, I do not even ask that my request be granted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

Mr. SMITH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina rise to object?

Mr. SMITH. No, sir; I wish to obtain the floor in my own right.

Mr. McKELLAR. Mr. President, let me ask the Senator from Wyoming a question. On page 28 of the bill I notice there is an amendment increasing from five to seven the number of officers of the Shipping Board or the Emergency Fleet Corporation who may receive salaries not to exceed \$18,000 each. Will the Senator let that amendment go over until morning?

Mr. WARREN. I have not the slightest intention of taking up that amendment to-night.

Mr. McKELLAR. That is all I want to know.

Mr. KING. Then, if the bill is going over until to-morrow, it does not need to be read, as suggested by me. I was afraid the Senator was going to try to have the bill passed to-night.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Wyoming, and it is so ordered.

Mr. SMITH obtained the floor.

Mr. WARREN. With the permission of the Senator from South Carolina, I ask unanimous consent that when the Senate concludes its business this afternoon it shall take a recess until to-morrow at 12 o'clock.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that when the Senate concludes its business for the day it take a recess until to-morrow at 12

o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMITH. Mr. President, I should like to have the attention of Senators to a matter to which I referred on yesterday. At that time I called attention to the report handed down by the Interstate Commerce Commission in the surcharge matter. I made a mistake in my remarks. I said that three commissioners had dissented. This morning my attention was called by a member of the Commission to the fact that four dissented. The fact is, Mr. President, a majority of the commission dissented from the imposition of this surcharge.

I desire to call the attention of the Senate to the fact that this is a part of the rate-making program, and that when any rate is found unreasonable the commission is required by law so to state.

In this report as to the 50 per cent surcharge, Mr. Aitchison, the chairman, says—and I shall not read all that he says, but simply enough to make the point I am attempting to make—

Upon the record, however, I would willingly join in a finding that the existing surcharge is more than enough to compensate the railroads for the added costs, and exceeds the value of the service to the traveler, and should, therefore, be reduced one-half. I am authorized to state that Commissioner Esch concurs in this expression.

Just before that Commissioner Hall, I presume, or whoever wrote the opinion ostensibly for a majority of the commission, said in the closing sentence:

Upon this record we find that the present surcharge accruing to the rail carriers in addition to the regular passenger fare for the transportation of passengers in sleeping and parlor cars is not unreasonable.

That would appear to be the opinion of a majority of the commission. Messrs. Aitchison and Esch dissent from the reasonableness of a 50 per cent surcharge, and say they are willing to join and would join in a reduction of 50 per cent. Commissioners Cox, McManamy, McChord, and Campbell agree that the surcharge ought to be taken off entirely; and yet a formal opinion is handed down to this body, and it has gone out to the public at large that the Interstate Commerce Commission upholds the surcharge, when a majority of the commission is against it!

The Senate ought to take cognizance of this fact, and register its opinion not only of this procedure but of the unnecessary burden which this surcharge imposes upon the public.

Mr. ROBINSON. Mr. President, will the Senator yield at that point?

Mr. SMITH. I yield.

Mr. ROBINSON. A moment ago, after the Senator from South Carolina took the floor, I submitted an amendment which is intended to accomplish that purpose, being in the exact language of the bill that passed the Senate unanimously some months ago, except that the amendment provides that it shall take effect not later than on and after July 1. I should have no objection to making it take effect immediately, if the Senator from South Carolina thinks that could be done without great inconvenience.

Mr. SMITH. Mr. President, I shall unhesitatingly move to amend the amendment of the Senator from Arkansas so that it shall take effect immediately, because, as shown by the statement I put in the Record yesterday, the roads that get \$20,000,000 of the \$37,000,000 collected from this surcharge are the roads that have paid or will pay, when our valuation is completed, \$80,000,000 to \$100,000,000 excess over 6 per cent. What does that mean, Mr. President? It means that they have collected from the traveling public \$160,000,000 in excess of 6 per cent, and, in addition thereto, \$20,000,000 by virtue of this surcharge. They are going to pay back to the Government \$80,000,000 in excess of 6 per cent and retain \$80,000,000 for themselves and \$20,000,000 derived from the surcharge.

When, in the name of Heaven, are we going to stop giving certain commissions the power to fleece the people at their will and send in reports that are entirely misleading?

Mr. ROBINSON. Mr. President, will the Senator yield for another moment?

Mr. SMITH. I yield.

Mr. ROBINSON. For the very reason that the Senator has just stated, namely, that the surcharge in the main accrues to the railroads which are not in need of additional revenues and which, in fact, are already earning the standard return or more—the argument that the elimination of the surcharge may

prevent the reduction of some freight rate or some other rate which ought to be reduced falls to the ground.

Mr. SMITH. Mr. President, I called the attention of the Senate yesterday to the fact that one of the commissioners, by a process of specious reasoning, had tried to create the impression that if we took off this surcharge \$37,000,000 would have to be collected from other sources of revenue, either through an addition to freight rates or through a raising of the common day-coach passenger fares, when the facts are, as shown by their own report, that the roads that are collecting this surcharge are already collecting \$80,000,000 in excess of 6 per cent.

It seems to me that the Senate ought to take cognizance of this fact. I read an editorial in the New York Times this morning reviewing the action of this body in reference to the passage of the amendment offered by the Senator from Arkansas, in which it said that if this body was going to attempt to legislate and dictate specific fares and charges the power of the Interstate Commerce Commission to adjust them reasonably was gone. This looks reasonable—that they put before us a report to the effect that they can not find any facts to show the unreasonableness of this surcharge, and therefore no order to remove it is necessary, when, by their own report, they show that there is an excess profit almost four times as great as that which the railroads are collecting from the surcharge. It is the duty of this body, when such outrages as that are perpetrated upon the public, to ascertain the facts and not only correct the blunder but rebuke the commission. That is our duty.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. SMITH. I do.

Mr. ROBINSON. In the majority opinion, certainly in the opinion of Mr. Commissioner Lewis concurring in the majority opinion, the vexatious character and the unpopularity of the Pullman surcharge is recognized. He declares that it ought to be eliminated and that whatever readjustment may be necessary, if any, in order to do justice to all concerned, should be reflected in modifications of Pullman charges rather than in the continuance of a surcharge.

Mr. SMITH. That is correct.

Mr. ROBINSON. If all of the commissioners who in their opinions oppose the Pullman surcharge as it is now collected should combine, there would be six commissioners, as the Senator has implied, who are opposed to it and only five who support it; for four of them unqualifiedly reject it as an unreasonable charge, and two of them say that it is unreasonable to the extent of one-half.

Mr. SMITH. Yes; four of them disagree to the principle involved in that method of collecting revenue for the railroads, and I do not believe that any court would sustain any such charge as this if it were not for the fact that our courts have allowed themselves to become more or less responsive to some need that is either imagined or real.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. WATSON. I quite concur in the sentiment expressed by the Senator with regard to the Pullman surcharge. I am fully convinced that it ought to be eliminated; but how does the Senator propose to eliminate it in this bill?

Mr. SMITH. By adding to this bill the amendment that was reported by a standing committee and brought before this body and passed. Therefore, if it is adopted as an amendment to this bill, it can not be ruled out of order, because it has been passed upon by a standing committee and voted upon by the Senate. It is not new legislation. It has all the parliamentary status necessary. Put it on this bill, let it go to conference, instruct the conferees on the part of the Senate to hold it in the bill, and I am sure no conferee on the part of the other body would vote to eliminate it. The reason why it has not passed the body at the other end of the Capitol, in my opinion, is because it has not had a chance to be brought before them.

Mr. WATSON. I am inclined to think that is true; but, after all, is it not legislation?

Mr. ROBINSON. Is the Senator making the point of order?

Mr. WATSON. Oh, no, no, no; I am just asking the question.

Mr. ROBINSON. The bill having passed the Senate unanimously, and that, too, at a time when practically the full membership of the Senate was present, I apprehend that no point of order will be raised. Certainly no Senator who is friendly to the proposal would raise it.

Mr. WATSON. Of course, as far as I am concerned, I am in entire sympathy with the movement to eliminate the surcharge, and think it should be done at the earliest oppor-

tunity; but I did not know just how it might escape a point of order if any Senator saw fit to make it.

Mr. SMITH. We will cross that bridge when we come to it.

Mr. WALSH of Massachusetts. Mr. President, what was the occasion for an opinion from the Interstate Commerce Commission on this matter at this time?

Mr. SMITH. I do not know.

Mr. WALSH of Massachusetts. Is it customary for commissions to give opinions of this kind with legislation pending in the Congress?

Mr. SMITH. I do not know. I am rather of opinion that that may have had some influence on it. I am in no position to state authoritatively.

Mr. WALSH of Massachusetts. Was any request made by Congress for an opinion?

Mr. SMITH. None; but, in justice to the commission, allow me to say that early last spring a subcommission was appointed by the commission to investigate the surcharge, and report to them as to what, in their judgment, should be done with it.

Mr. WALSH of Massachusetts. Then the idea originated with themselves?

Mr. SMITH. Yes. They reported unequivocally that the surcharge should be taken off. I wrote to the commission and asked at what time we might expect action on the part of the full commission. The reply was, perhaps, some time in June. I think they fixed the date about the 15th. I called attention to the fact that we were likely to adjourn on June 7. After June 15 had passed I communicated with them again, and understood that it would probably be in August. August came and went. In the meantime, however, I will say to the Senator that just before we adjourned in June we had reported out of the committee the Robinson bill. It was brought up and passed unanimously. It went to the House. The only other information I have had at all as to what action they were going to take upon this matter, in view of the unfavorable report of the subcommission, was this remarkable document.

Mr. WALSH of Massachusetts. When was that issued?

Mr. SMITH. On Monday.

Mr. WALSH of Massachusetts. So that the Senator has been waiting for a report since last June?

Mr. SMITH. Since last June I have been waiting for the commission to give some statement on this subject. I am glad the Senator has brought this up, because I thought that since the commission had the power under the law to initiate the surcharge, it would be well for them and for the public that they be given a chance to take some action indicating whether they proposed to keep the surcharge in force, or remove it. They have waited until just before the adjournment of Congress, and have handed down this opinion. I honestly believed that the Interstate Commerce Commission was going to remove this surcharge on their own motion, and this was certainly a surprise to me when it came. The railroads do not need it. Every member of the Interstate Commerce Committee knows that this particular revenue, collected as it is, by the roads by whom it is collected, does not benefit the railroads in their general revenue, and especially does it do no good to the small, poor roads, which need some help.

Mr. WALSH of Massachusetts. Not only that, but I understand the Senator to claim that a majority of the members of the commission do favor the removal of the surcharge.

Mr. SMITH. They favor the repeal entirely, or its reduction 50 per cent.

Mr. WATSON. May I interrupt the Senator?

Mr. SMITH. I yield.

Mr. WATSON. Inasmuch as the Senate has voted on this proposition, and it is very evident what the feeling of the Senate is, why do we not get at the method of accomplishing the will of Congress?

Mr. ROBINSON. Mr. President, if the Senator will yield for that purpose, just as soon as it can be prepared I will give the necessary notice of a motion to suspend the rules. That will relieve anyone from the responsibility of refraining from making a point of order, and it will also give the Senate an opportunity to go upon record again in the matter.

Mr. SMITH. That is good.

Mr. ROBINSON. I give notice now, informally, that a motion will be prepared just as quickly as possible and presented to the Senate to suspend the rule.

Mr. WATSON. It can be written right away.

Mr. ROBINSON. The Clerk at the desk is writing it now.

Mr. WATSON. That will obviate the necessity of imposing upon anyone the burden of making a point of order.

Mr. SMITH. That is correct.

Mr. WATSON. By a two-thirds vote to-morrow the rule can be suspended.

Mr. SMITH. I do not know that any further discussion of this matter is necessary, but I hope very much that the Members of this body will take this report and read it.

Mr. ROBINSON. Mr. President, will the Senator yield to me to give the notice we have just been discussing?

Mr. SMITH. Certainly.

Mr. ROBINSON. I present the notice to which I referred a moment ago, and ask that it be read.

The PRESIDENT pro tempore. The Senator from Arkansas presents a notice, which the Secretary will read.

The reading clerk read as follows:

I hereby give notice in writing that I will hereafter move to suspend paragraph 3 of Rule XVI of the Standing Rules of the Senate for the purpose of proposing to the bill (H. R. 11505) making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and officers for the fiscal year ending June 30, 1926, and for other purposes, the following amendment:

After line 21, on page 19, add the following paragraph:

"That paragraph 4 of section 1 of the interstate commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars."

Mr. ROBINSON. Under the rule, as I understand it, such a notice must be given one day in advance. The Senator from Wyoming [Mr. WARREN], in charge of the bill, has secured unanimous consent for the Senate to take a recess when it concludes its business on this calendar day. It will be necessary, therefore, either to rescind that order or to permit the bill to go over to-morrow after it has practically been put in a condition for passage, with the exception of this amendment, in order that a legislative day may pass. I think it is granted that the rule requires that a legislative day shall intervene.

Mr. JONES of Washington. I think heretofore it has been held that the intervening of a calendar day constituted compliance with the rule.

Mr. ROBINSON. I ask unanimous consent, having given the notice required by the rule, that the amendment be in order on any calendar day after to-day.

Mr. SMITH. I think that is the rule.

Mr. ROBINSON. I think it is, but I am not sure whether the rule under which this notice is given refers to a calendar day or a legislative day. I would not want to take a chance on having it held that the rule contemplated a legislative day. Usually a legislative day is meant when such language is used. I ask unanimous consent that the amendment which I have submitted, and to which the notice refers, be in order on any calendar day following this calendar day.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMITH. Mr. President, there was a slight error made yesterday by the Senator from Arkansas [Mr. ROBINSON], if I may have his attention. One of the members of the Interstate Commerce Commission called my attention to a slight error made by the Senator, where he referred to the Pullman Co. paying the railroads for the hauling of their cars, when just the opposite is the fact.

Mr. ROBINSON. Will the Senator yield?

Mr. SMITH. I yield.

Mr. ROBINSON. What I intended to state was the legal effect of the contract, that if the law requires payment for the hauling of Pullman cars—that is, in legal effect, indirectly done by the Pullman Co. itself, although actually the railroad company pays the Pullman Co. some consideration for furnishing the cars.

Mr. SMITH. They do.

Mr. ROBINSON. I thank the Senator for the suggestion, because the statement unexplained would not be clear.

The PRESIDENT pro tempore. The Secretary will proceed to read the bill for action on the committee amendments.

The reading clerk proceeded to read the bill, and read to line 8, on page 7.

The first amendment of the Committee on Appropriations was, under the heading "Civil Service Commission," on page 7, line 6, before the words "of which," to strike out "\$26,000" and insert "\$32,000," so as to make the paragraph read:

For examination of presidential postmasters, including travel, stationery, contingent expenses, additional examiners and investigators,

and other necessary expenses of examinations, \$32,000, of which amount not to exceed \$20,880 may be expended for personal services in the District of Columbia.

Mr. FLETCHER. Mr. President, about that item, I would like to ask the Senator a question. There is an increase there.

Mr. WARREN. I was about to state that many Senators have left the Chamber in the expectation that we would not proceed with the consideration of the bill after 5 o'clock. I understand there is to be an executive session. I therefore ask leave to have the bill laid aside until to-morrow.

The PRESIDENT pro tempore. The bill will be informally laid aside until to-morrow.

EXECUTIVE SESSION

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

COINAGE OF 50-CENT PIECES

Mr. SHORTRIDGE. I ask unanimous consent for the present consideration of the bill (S. 4024) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That in commemoration of the 75th anniversary of the admission of the State of California into the Union there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the San Francisco Clearing House Association and the Los Angeles Clearing House Association, or either of them, and upon payment by such associations, or either of them, to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess, the recess being under the order previously entered, until noon to-morrow.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Thursday, February 12, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of February 3), 1925

COMMISSIONER OF IMMIGRATION

Norval P. Nichols to be commissioner of immigration at port of San Juan, P. R.

POSTMASTERS

INDIANA

Glen P. Witherspoon, Francisco.

KANSAS

William V. Stranathan, Kiowa.

MICHIGAN

Ronald H. Macdonald, Dollar Bay.

Frank Leonard, Hubbell.

Julius P. White, Kearsarge.

Albert Steinen, Painesdale.

MINNESOTA

E. Arthur Hanson, Benson.
Floyd C. Fuller, Grey Eagle.
Bernard O. Stime, Jasper.
Alvin E. Comstock, Lakefield.
John Jacobs, Richmond.
Richard F. Lamb, Slayton.

NEW JERSEY

John A. Carlson, Harrington.
Charles J. Newman, Newfoundland.
Nicholas A. Chasse, South Orange.

NEW YORK

Isabelle M. Arquette, Parishville.

NORTH CAROLINA

Roscoe L. Nicholson, Brevard.
Miles S. Elliott, Edenton.
Travis N. Harris, Troy.
Joe L. Kelly, Watha.
Thomas L. Green, Waynesville.

PORTO RICO

Jose R. Sotomayor, Barceloneta.

WEST VIRGINIA

Osby C. Satterfield, Hopemont.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 11, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, vouchsafe to keep us this day without sin. May we deeply realize that a mighty fortress is our God, a refuge never failing. Direct us along the widening ways of life that lead to greater vision and broader outlook. Give restraint to all unguarded impulses and encouragement to all good endeavor. Let the breath of our infinitely holy Creator rest upon our country. We praise Thee for Thy providence, as in grateful remembrance the past rises before us in bold and distinct outline. Thou, and Thou alone, didst inspire the chivalry and wisdom of our forefathers which still challenge our intellects and minister to our Republic. May we again rededicate ourselves to the fundamentals of free government on which rests its glory and perpetuity. Be with our President and give rich and abiding blessings to all true and patriotic citizens, and forever keep the bow of promise in our Nation's sky. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. Mr. Speaker, I present a conference report on the bill H. R. 9343, for printing under the rule.

The SPEAKER. The gentleman from New York presents a conference report on a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same with amendments as follows: On page 2, of the Senate engrossed amendment, after the word "have" insert the word "unlawfully"; on page 2, in the fourth line of section 2, strike out the word "lawfully"; on page 5, in the fourth line of section 6, after the word "annum" insert "for a period of not exceeding five years"; on page 6, at the end of line 6, change the colon to a comma